UNITED NATIONS **A S**

General Assembly
Security Council

Distr.
GENERAL

A/53/658
S/1998/1056
10 November 1998

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Fifty-third session
Agenda items 62, 101, 102, 103, 104, 106 and 108
QUESTION OF CYPRUS
CRIME PREVENTION AND CRIMINAL JUSTICE
INTERNATIONAL DRUG CONTROL
ADVANCEMENT OF WOMEN
IMPLEMENTATION OF THE OUTCOME OF THE FOURTH WORLD CONFERENCE ON WOMEN
PROMOTION AND PROTECTION OF THE RIGHTS OF CHILDREN
ELIMINATION OF RACISM AND RACIAL DISCRIMINATION

SECURITY COUNCIL
Fifty-third year

Letter dated 10 November 1998 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a letter dated 9 November 1998, addressed to you by His Excellency Mr. Aytuğ Plümer, Representative of the Turkish Republic of Northern Cyprus.

I should be grateful if the text of the present letter and its annex could be circulated as a document of the General Assembly and of the Security Council.

(Signed) Volkan VURAL
Ambassador
Permanent Representative

ANNEX

Letter dated 9 November 1998 from Mr. Aytuğ Plümer addressed to the Secretary-General

I have the honour to refer to the statements made by the Greek Cypriot representative to the Third Committee of the General Assembly on 13, 19, 22 and 27 October 1998, under agenda items 101, "Crime prevention and criminal justice", 102, "International drug control", 103, "Advancement of women", 104, "Implementation of the outcome of the Fourth World Conference on Women", 106, "Promotion and protection of the rights of children" and 108, "Elimination of Racism and racial discrimination", respectively. These statements contain allegations that grossly distort the realities of Cyprus and demonstrate yet again that the Greek Cypriot side is more interested in political posturing than in assisting in efforts to build confidence between the two sides. Since the Turkish Cypriot side is being denied its right of say in the said Committee, I am compelled to respond to these allegations in writing.

The Greek Cypriot representative, in a vain attempt to absolve the Greek Cypriot side from the responsibility of creating and perpetuating the conflict in the island, once again depicts Northern Cyprus as "occupied areas". I wish to remind the Greek Cypriot representative that the only occupation in Cyprus is the 35-year-old usurpation and continued occupation by the Greek Cypriot side of the seat of government of the bi-national Republic of Cyprus established under the 1960 Treaties.

Much to the contrary of the impression being given by the Greek Cypriot representative, the Cyprus question has not come about as a result of the Turkish intervention of 1974, which was fully legal and legitimate under the 1960 Treaty of Guarantee, but by the Greek Cypriot conspiracy and overt acts of violence during the period 1963-1974 aimed at converting the bi-national partnership state of Cyprus into a Greek Cypriot entity. This is admitted by the Greek Cypriot leader, Mr. Glafkos Clerides, in his memoirs, entitled Cyprus: My Deposition, in the following words: "... the Greek Cypriot preoccupation was that Cyprus should be a Greek Cypriot state, with a protected Turkish Cypriot minority" (vol. 3, p. 105).

It is not surprising that the Greek Cypriot representative refers to a report of the Committee on the Elimination of Racial Discrimination (A/53/18) that contains observations based on the one-sided information provided by the Greek Cypriot side through the fourteenth periodic report it has submitted in the name of "Cyprus" (document CERD/C/299/Add.19). Our views on that report have been communicated to the Secretary-General (A/C.3/53/11) and need not be repeated here. Suffice it to say that the Greek Cypriot representative's complaints over his side's "inability" to implement international instruments is hypocrisy par excellence since the historical record shows clearly that during the period 1963-1974, even the most fundamental rights of the Turkish Cypriot people, including their right to life, liberty and security, were grossly and systematically violated. The periodic reports of the Secretary-General and of the international press provide ample graphic evidence of a systematic campaign

of ethnic cleansing directed against the Turkish Cypriot people during that period.

Concerning the so-called "enclaved" Greek Cypriots, it is noteworthy that the term "enclaves" was first used in the relevant reports of the Secretary-General to describe the areas into which Turkish Cypriots had been forced by the Greek Cypriot side during the period 1963-1974. It should be recalled that the Secretary-General at the time had described the living conditions in these enclaves as a "veritable siege" (see S/5950 of 10 September 1964). The Greek Cypriot propaganda machine has been trying to utilize that term with a view to exploiting the presence of several hundred Greek Cypriots living in Northern Cyprus. The fact is that there have been no "enclaved" people in Cyprus since the liberation of the Turkish Cypriots by Turkey in 1974.

As regards allegations of criminal activity, reports by authoritative sources and international press coverage of the area leaves no room for doubt as to which part of Cyprus serves as a centre for money laundering, drug trafficking, arms smuggling and other illicit activity. In this context, the 1998 International Narcotic Control Strategy report entitled "Money laundering and financial crimes: country reports", released by the United States State Department, is particularly noteworthy.

In the face of the overwhelming evidence of rampant illegality in South Cyprus, the Greek Cypriot administration would do well to concentrate its efforts on cleaning its own house rather than directing false accusations at others. Relevant in this context are the widespread cases of torture and police brutality by the Greek Cypriot police, which have called into question the whole criminal justice system in the South. A case in point is the public inquiry undertaken by Mr. Alecos Markides, the Greek Cypriot Attorney-General, in the wake of television footage depicting police violence against Nigerian refugees who have been detained in South Cyprus since June 1998. The Greek Cypriot daily Cyprus Mail of 28 October 1998 reported that "television footage of the scene showed members of MMAD (rapid reaction force) dressed in riot-gear viciously kicking, stomping and clubbing the African men, after using tear-gas on them to quell a cell-block riot". Given the gravity of the situation, the Office of the United Nations High Commissioner for Refugees has assigned lawyer Hugh Massey to the case, who has stated that the Greek Cypriot administration is violating international law by denying schooling and recreation to children of the African refugees in police detention, and is not conforming to international human rights standards governing detention. "Certainly, the standards of detention of the juveniles is not in accordance with international standards - the Beijing rules regarding juveniles and the Convention on the Rights of the Child", Mr. Massey said. He further noted that "some of the applicable standards of international law are not being adhered to ... They are not allowed freedom of movement. Visits have been restricted ... I have also received a report that even a lawyer who wanted to visit was also denied access. If that report is true, it is unacceptable". (Cyprus Mail, 4 November 1998). Meanwhile, Amnesty International is also looking into the matter, and has been reported that the Greek Cypriot violation of human rights will be included in Amnesty International's next report (Greek Cypriot daily Haravgi, 4 November 1998).

When judged against this background of past and current violations of human rights by the Greek Cypriot administration, the unfounded allegations levelled by the Greek Cypriot side at international forums clearly appear as an attempt to gloss over their own criminal record in this respect. If the Greek Cypriot side is genuinely interested in reconciliation it should abate its campaign of international propaganda aimed at defaming Turkey and the Turkish Republic of Northern Cyprus, for unless that happens there will be no room for promoting confidence between the two states on the island.

I should be grateful if the text of the present letter could be circulated as a document of the General Assembly and of the Security Council.

(Signed) Aytuğ PLÜMER
Representative
Turkish Republic of Northern Cyprus

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1998/1057
11 November 1998

ORIGINAL: ENGLISH

LETTER DATED 9 NOVEMBER 1998 FROM THE PERMANENT REPRESENTATIVE OF UGANDA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

On instructions from my Government, I have the honour to transmit to you herewith the text of a statement dated 27 October 1998 by the Minister of State for Foreign Affairs (Regional Cooperation) of Uganda, Mr. Amama Mbabazi, delivered at the Regional Meeting of Ministers of Foreign Affairs and Defence held at Lusaka on 26 and 27 October 1998, on the conflict in the Democratic Republic of the Congo. The statement clarified Uganda's position on the current situation in the Democratic Republic of the Congo.

I should be grateful if you would have the text of the present letter and its annex circulated as a document of the Security Council.

(Signed) Semakula KIWANUKA
Ambassador Extraordinary and Plenipotentiary
Permanent Representative of Uganda
to the United Nations

Annex

Statement dated 27 October 1998 by the Minister of State for Foreign Affairs (Regional Cooperation) of Uganda, Mr. Amama Mbabazi, to the Ministerial Meeting on the conflict in the Democratic Republic of the Congo, held at Lusaka on 26 and 27 October 1998

Following the many provocative statements made during this meeting, especially by the delegations of the Democratic Republic of the Congo and Angola, Uganda has been obliged to state its position clearly on the current political situation in the Democratic Republic of the Congo.

Ever since the Victoria Falls talks, one of the main features of our efforts has been to put the definition of the problem into its rightful perspective.

In the first Victoria Falls talks of 7 August 1998, our President circulated a booklet detailing Uganda's involuntary involvement in the conflicts in Rwanda, the Democratic Republic of the Congo and the Sudan. The common factor among all these conflicts is the refusal by those in power to use dialogue in order to solve very serious injustices and, instead, to resort to using force to frustrate the aspirations of sections of the people and, sometimes, the whole community. In Uganda, where a lot of violence has taken place in the past 32 years, we have always combined resisting injustice with force and also with dialogue. Sometimes we fight; sometimes we talk. That is how Uganda has recovered.

The present conflict in the Democratic Republic of the Congo can be wound down by dialogue among the Congolese and those backing the respective Congolese protagonists. The issues are quite clear. Some are internal; some are regional. The internal issues appear to be the following:

- Internal democracy within individual Congolese political organizations (e.g., the defection of Bugera, Karaha, etc.); a broad-based interim administration (we have not heard of any inter-party conference); justice (Mr. Tshisekedi being sent into "internal exile", for instance); tendencies towards genocide (our troops in eastern Congo have come across many massacres committed before our arrival and there were threats of more had we not arrived); building a non-partisan army rather than relying on tribal militias that make other political forces nervous; and charting the democratic path for the country by a broad spectrum of Congolese society.

On tendencies towards genocide, there is evidence of extrajudicial massacres in the Democratic Republic of the Congo. This evidence exists in Kisangani, Bunia and Moba. In Isiro, machetes were distributed in preparation for a possible genocide publicized by the Kabila Government officials on radio and TV. This was done by those in authority before the RCD rebels captured Isiro.

By the time our troops (Uganda contingent) subsequently arrived in Isiro, we were greeted by the population with a sense of relief and shown scores of machetes and told gruesome stories of the genocide that was to be implemented had the town of Isiro not fallen to the RCD rebels. We have also halted the designs by the Kabila Government to bring Sudanese troops and Uganda's Sudan-based rebels of the West Nile Bank Front, UNFR II and Lord's Resistance Army to operate against Uganda in the north-eastern part of the Democratic Republic of the Congo.

The original problems affected Rwanda (ex-FAR and Interahamwe), Angola (Savimbi) and Uganda (Sudan activities, especially the ADF). Our support for the anti-Mobutu campaign was actually because of that problem. However, our involvement against Mobutu was also partly because of the impending genocide against Banyamulenge. Rwanda was more involved on that particular issue.

There is one opinion which we do not accept. That opinion is that a Government, because it is ruling over a sovereign country, like the Democratic Republic of the Congo or Uganda, has a right, if it so chooses, to exterminate any group of people within that country. According to this opinion, Rwanda, Uganda and other countries were wrong to oppose Mobutu's genocidal schemes over the Banyamulenge. The United Republic of Tanzania was wrong to oppose Idi Amin in the 1970s because he was just killing Ugandans who were his subjects. The Americans and others are wrong in opposing genocide in Bosnia; many of us have been wrong in opposing the slow genocide of black people in the Sudan. Indeed we were wrong to oppose the regimes of Ian Smith and the Boers because they were also claiming the cover of sovereignty since Boer South Africa, at least, was a Member of the United Nations.

Our political movement has never agreed with this vulgarization of the concept of sovereignty of the State. There are certain matters that must be universal. Among these, we can cite two: sovereignty of the population and not just the regimes, and the inviolability of the sanctity of life, especially the banishment of genocide and extrajudicial killings.

Therefore, while we recognize the sovereignty of States and we support the inviolability of borders inherited at independence, we oppose the violation of an even more fundamental sovereignty, the sovereignty of the people, most particularly by the genocidaires. Some people ask: "Why should Uganda arrogate to itself the role of stopping genocide in the Great Lakes region?" The answer is that in 1994 in Rwanda 1 million Africans were massacred and nobody did anything.

The genocide only stopped when the Rwandese Patriotic Front swept the rotten gang of killers out of power and out of the country. The same thing would have happened to the Banyamulenge last year but one, if the Rwanda Army and the Banyamulenge themselves had not acted in time. In Uganda, during the time of Amin and Obote, 800,000 Ugandans were killed. In the Luwero Triangle there are 30 mass graves. This genocide only stopped when we defeated the criminal regimes of Obote and Okello. We were supported by a few friends like the Tanzanians in our lonely struggle. In East Africa, some countries have therefore resolved that we shall never tolerate genocide again. It is this

resolve that has, for instance, deterred the leaders of the Burundi junta from launching a new genocide.

On the question of not interfering in the "internal affairs" of sovereign States: First of all, Uganda was rescued by the "interfering in those internal affairs" by our Tanzanian brothers and others. Secondly, H.E. Kabila was put in power by, especially, Rwanda, but also others, "interfering" in the "internal affairs" of Mobutu's Congo to defend themselves but also to help the Congolese patriots. If you reject "interfering in internal affairs" under all circumstances, then the Government of H.E. Kabila should resign and we should install Likulia Bolongo, the last Prime Minister of President Mobutu. Otherwise, we become inconsistent and we transform the otherwise laudable principle of non-interference into a charade behind which we commit evil.

There has been talk that there are good and bad foreign countries that are involved in the conflict in the Democratic Republic of the Congo. The so-called good countries are those invited by President Kabila; those countries have sent troops that are fighting on President Kabila's side. The so-called bad countries are those that are alleged to be supporting the rebels or the ordinary people of the Democratic Republic of the Congo. We are convinced that foreign interference is bad. It becomes even worse when those foreign forces support one faction or the other in a country and end up distorting the politics of that country. Foreign intervention can only be positive if it promotes national reconciliation and national harmony. Our view is that all foreign troops should leave the Democratic Republic of the Congo. The withdrawal should be done after a ceasefire and when neutral multinational forces have taken up positions in the Democratic Republic of the Congo to supervise strict observance of the ceasefire and ensure the security of the neighbouring countries.

The problem in the Democratic Republic of the Congo is essentially political and requires a political settlement between Kabila's Government and the entire Congolese opposition (both armed and non-armed). This necessitates an internally negotiated political settlement, with the regional countries, the Organization of African Unity and the United Nations acting as guarantors to the political process.

Therefore this process we have been undergoing since Victoria Falls I should be geared towards a comprehensive and permanent solution to the current crisis in the Democratic Republic of the Congo. We should not lose track. We should address the issues before us and bring peace to our region.

Yes, it is a fact that some neighbouring countries to the Democratic Republic of the Congo have legitimate security concerns emanating from the latter's territory. Indeed, the heads of State have not only discussed the issue but also pronounced themselves on it. At their summits in Victoria Falls, Durban and Nairobi, among others, the heads of State recognized that there are security concerns of neighbouring countries to the Democratic Republic of the Congo that need to be addressed within a comprehensive framework for a permanent solution to the problem. As alluded to above, Uganda's security concerns did not start with President Kabila's Democratic Republic of the Congo. President Kabila's Government was itself partly a direct result of our security concerns. During the Mobutu era, Mobutu in collaboration with the Sudan chose

to give support to Ugandan rebels who had a programme to destabilize Uganda. Beginning in 1995, we experienced frequent attacks launched from the territory of the Democratic Republic of the Congo.

When Mobutu was ousted, we had hoped that our concerns would be addressed by the new authorities in Kinshasa. Unfortunately, this did not happen. We continued to experience the attacks under President Kabila's Government. Of course, we did not expect an improvement to occur so soon because of capacity constraints by the Government of the Democratic Republic of the Congo. That is why the two countries reached a mutual arrangement that led to our military presence in the Democratic Republic of the Congo. The situation was not helped when the current rebellion broke out in the Democratic Republic of the Congo on 2 August 1998. Uganda was compelled not to leave a vacuum lest the Sudan take advantage of the situation and intensify its support activities to Uganda rebels on the territory of the Democratic Republic of the Congo. Indeed, the Sudan has since mobilized more Ugandan rebel factions and moved them to the Democratic Republic of the Congo with the aim of launching massive attacks on Uganda.

We all know of the military incursions that have been inflicted upon Uganda by the Sudan. These include the annual aerial bombardments and cross-border incursions on Ugandan territory. Initially, the Sudan was using its own territory as the launching pad for Ugandan rebels. When they lost it to the Sudanese People's Liberation Movement/Sudanese People's Liberation Army, they began increasingly to use the Democratic Republic of the Congo. There is evidence that during the fight for Kindu between the Democratic Republic of the Congo forces and Congolese rebels, the latter captured many Ugandan rebels backed by the Sudan.

Lastly, although the Interahamwe and ex-FAR are Rwandese, we are afraid they constitute a regional threat. For example in Garamba Park (Democratic Republic of the Congo), between the Sudan, the Democratic Republic of the Congo and the Central African Republic, the Interahamwe and ex-FAR were training together with Ugandan rebels to destabilize Uganda. Only recently, the Interahamwe massacred over 1 million people in the 1994 genocide in Rwanda. We are therefore surprised that statements were made during the present meeting in support of genocidaires as liberators.

All these concerns are real and they must be addressed so that we may be judged by posterity. On its part, Uganda is ready to pull out of the Democratic Republic of the Congo as soon as measures that guarantee our security are put in place.

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1998/1058
11 November 1998

ORIGINAL: ENGLISH

LETTER DATED 11 NOVEMBER 1998 FROM THE SECRETARY-GENERAL ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to convey the attached communication, dated 11 November 1998, which I have received from the Director General of the International Atomic Energy Agency.

I should be grateful if this letter could be circulated as a document of the Security Council.

(Signed) Kofi A. ANNAN

Annex

Letter dated 11 November 1998 from the Director General of the International Atomic Energy Agency addressed to the Secretary-General

I would be grateful if you could arrange to transmit the attached letter to the President of the Security Council.

(Signed) Mohamed ELBARADEI

Enclosure

Letter dated 11 November 1998 from the Director General of the International Atomic Energy Agency addressed to the President of the Security Council

I would like to inform you that, upon consultation with the Secretary-General, I have decided, out of concern for their safety in view of the escalating situation in Iraq, to temporarily relocate to Bahrain all International Atomic Energy Agency (IAEA) inspectors currently in Baghdad.

This decision was taken in parallel with that of the United Nations Special Commission (UNSCOM), which is also withdrawing its personnel and on whose logistic support the IAEA inspectors are dependent.

I would be grateful if you would arrange for the circulation of the present letter as a document of the Security Council.

(Signed) Mohamed ELBARADEI

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1998/1059
11 November 1998

ORIGINAL: ENGLISH

LETTER DATED 11 NOVEMBER 1998 FROM THE EXECUTIVE CHAIRMAN OF THE SPECIAL COMMISSION ESTABLISHED BY THE SECRETARY-GENERAL PURSUANT TO PARAGRAPH 9 (b) (i) OF SECURITY COUNCIL RESOLUTION 687 (1991) ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

Further to our discussions yesterday evening, I write to inform you, and through you, all members of the Security Council, of a decision I took last night. That decision was to remove all the Special Commission's personnel from Iraq. They departed on the Commission's aircraft during the morning of 11 November and arrived safely in Bahrain thereafter.

For the immediate future, I intend that the Commission's staff remain in Bahrain pending decisions by the Government of Iraq which would enable them to return immediately to Baghdad. Were such a decision to be taken, our personnel would be ready to resume work in Iraq within 24 hours.

The prime consideration which motivated the decision, and the speed at which it was executed, was the safety of the Commission's staff in Iraq. The process of arriving at that decision included consultations with the President of the Council, the Director General of the International Atomic Energy Agency, and because of the presence in our staff of a significant contingent from the Chilean Air Force, the Acting Permanent Representative of Chile to the United Nations. Discussions were also held with representatives of the office of the Secretary-General.

I regret that under the circumstances which prevailed yesterday evening and the need to act promptly, it was not possible for me to hold wider consultations.

I would be grateful if the present letter could be circulated as a document of the Security Council.

(Signed) Richard BUTLER

98-34722 (E) 111198

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1998/1060
11 November 1998

ORIGINAL: ENGLISH

LETTER DATED 11 NOVEMBER 1998 FROM THE PERMANENT REPRESENTATIVE OF ERITREA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to forward the text of the statement concerning the 7-8 November meeting in Ouagadougou, together with its attachments issued by the Ministry of Foreign Affairs of the State of Eritrea on 9 November 1998 (see annex).

While the press release issued by the Organization of African Unity (OAU) (see enclosure) on the outcome of the Ouagadougou meeting is clear, the Government of Ethiopia has circulated a statement that is a clear misrepresentation of the facts. It is thus incumbent upon the Government of Eritrea to present to all concerned the facts as they are: the proposals that were presented by the Committee as talking points accompanied by Eritrea's initial views on them. Contrary to the allegation of the Ethiopian Government, no final conclusion was reached at the Ouagadougou meeting, and this is clearly stated in the OAU press statement:

> "The two leaders were received separately by the OAU High-level Delegation, which listened to their preliminary observations and provided clarification on some aspects of the proposals as requested by the parties.
>
> "The High-level Delegation reiterated to the two parties its full disposition to pursue its efforts and urged them to communicate subsequently their definitive response to the proposals submitted to them."

I would like to reiterate that Ethiopia's insistence upon restarting all-out fighting if it does not have its way continues to pose a grave threat to the search for a peaceful solution acceptable to both sides, which the concerned parties are trying to broker. Eritrea's proposal for a cessation of hostilities while differences are being ironed out with the help of third parties has been rejected by Ethiopia. We call upon the Security Council to take note of the matter and to exercise its responsibility to avert the renewed all-out war initiated by Ethiopia.

I should be grateful if you would kindly circulate the text of the present letter and its annex as a document of the Security Council.

(Signed) Haile MENKERIOS
Ambassador
Permanent Representati

/.

Annex

Statement issued on 9 November 1998 by the Ministry of Foreign Affairs of Eritrea

Organization of African Unity (OAU) meeting at Ouagadougou

The OAU Committee of Heads of State on the conflict between Eritrea and Ethiopia that met in Ouagadougou on 7 and 8 November 1998 has called upon both sides to reflect on the talking points handed over to them. It announced that the problem would be further discussed at the next meeting of the OAU Central Organ, to be held next December.

The Committee took this decision because it could not sufficiently bridge the gap between the two sides. As always, the main stumbling block was Ethiopia's precondition of an unconditional Eritrean withdrawal from territory that is Eritrean. Eritrea's insistence that the meeting "should at least emerge with a signed agreement for the cessation of hostilities even if all outstanding issues could not be resolved at one go" could not materialize because of Ethiopia's outright rejection.

OAU's talking points centred on: the cessation of hostilities; the demarcation of the boundaries within six months; an investigation of the incidents of July-August 1997 and 6 May 1998 in order to determine the origins of the conflict; and the demilitarization of the border areas and a commitment to address the impact of the crisis on the civilian population and particularly deportees. In addition, the Committee felt that "armed forces presently in Badme be redeployed as a mark of goodwill" and as a "cure for the humiliation" that Ethiopia laments it had suffered in the clashes that occurred in May.

Eritrea welcomed OAU's ongoing peace efforts and regarded the Ouagadougou meeting as positive, providing a forum for a better understanding of all the pertinent issues. Its recognition that the conflict did not start in May 1998 but that it goes back to July 1997 and its call for an investigation into these events is significant since it has a bearing on the framework for a peaceful solution.

President Isaias Afwerki submitted the following points - which were further extensively discussed with the OAU Committee - that Eritrea felt should be incorporated to provide a sound basis for a lasting, peaceful solution to the border conflict:

1. It has been Eritrea's consistent view that the conflict between Eritrea and Ethiopia is a border dispute that must be resolved by scrupulous respect of Eritrea's inherited Italian colonial boundaries. In this respect, I wish to emphasize that Ethiopia has flagrantly violated this cardinal principle by perpetrating an act of aggression at two levels: (a) its issuance of a new map in October 1997 which illegally incorporated large areas of Eritrean territory; and (b) its military acts to create facts on the ground to incorporate the areas claimed on the illegal map, the first vivid precursor of

these acts of aggression being the occupation of Adi Murug and incursions in the Badme area in July 1997.

Moreover, it has shown no intention of accepting and respecting Eritrea's colonial boundaries. A lasting peaceful solution, however, requires that Ethiopia rescind its illegal claims on Eritrea and declare, without equivocation, that it respects the colonial boundaries between the two countries that were delimited in accordance with the treaties of 1900, 1902 and 1908. It is these same boundaries that have constituted Eritrea's frontiers since then. This unequivocal formulation, which is indeed a prerequisite for the technical work of demarcation of the boundary between the two countries that will have to be carried out expeditiously under the auspices of the United Nations Cartographic Unit, must be reflected clearly in the principles that underpin a peaceful resolution of the conflict. I urge Your Excellencies to ensure that this crucial element is given the weight that it deserves, as without it there cannot be a peaceful solution.

2. Another cardinal principle that both sides must commit themselves to is the rejection of the use of force to resolve the border dispute. In this regard, I must reiterate that it is Ethiopia which has repeatedly resorted to the use of force. This is not only true for the events of July 1997 but also for those of 6 May 1998. This is why Eritrea has been calling from the very beginning for an investigation into those events. Ethiopia, on the other hand, did not only commit those acts of aggression, but continues to publicly declare its desire to use force to impose a solution, as illustrated by the resolution of its Parliament on 13 May 1998, and repeated pronouncements thereafter.

In this context, I wish to reaffirm to Your Excellencies Eritrea's commitment to a cessation of hostilities. I urge you to press the other side to make the same commitment. Even if we cannot resolve all the outstanding issues at one go at this Summit, we should at least emerge from this gathering with a signed agreement on the cessation of hostilities.

3. A cessation of hostilities is certainly a sufficient condition for the deployment of an observer force and for carrying out an expeditious demarcation. If it is accepted that "in order to determine the origins of the conflict" an investigation needs to be carried out into the incidents of July-August 1997 and 6 May 1998, then obviously any pronouncement that prejudges "the origins of the conflict" is not justifiable. If it is a matter of goodwill, then the onus must be on both parties. The same logic applies to the issue of "administration". Certainly, no sovereign nation can countenance the administration of its own territory by a foreign country. I urge Your Excellencies to ensure that these fundamental points are incorporated.

4. Although I do not wish to dwell on issues tangential to the border dispute, important as they are in their own right, I must nonetheless state that detention and deportation of innocent civilians on account of their nationality is being carried out solely by Ethiopia. Fairness demands that appeals by the Summit be directed only to the culpable party.

Enclosure

Press release issued by the Organization of African Unity
on 8 November 1998

The Organization of African Unity (OAU) High-level Delegation on the dispute between Eritrea and Ethiopia met at Ouagadougou on 7 and 8 November 1998, under the chairmanship of Blaise Compoaore, President of Burkina Faso and current Chairman of OAU. Messrs. Hassan Gouled Aptidon, President of the Republic of Djibouti, and Robert Gabriel Mugabe, President of the Republic of Zimbabwe, participated in the meeting. Salim Ahmed Salim, Secretary-General of the Organization of African Unity, also participated in the meeting. The Secretary-General of the United Nations was represented by Ambassador Mohamed Sahnoun, in the capacity of observer.

The OAU High-level Delegation considered and adopted a set of proposals constituting elements of a Framework Agreement for a peaceful settlement of the dispute between Ethiopia and Eritrea. Those proposals were communicated to Messrs. Isaias Afewerki, President of the State of Eritrea, and Meles Zenawi, Prime Minister of the Federal Democratic Republic of Ethiopia, by the current Chairman of OAU on behalf of the High-level Delegation.

The two leaders were received separately by the High-level Delegation, which listened to their preliminary observations and provided clarification on some aspects of the proposals as requested by the parties.

The High-level Delegation reiterated to the two parties its full disposition to pursue its efforts and urged them to communicate subsequently their definitive response to the proposals submitted to them. In the meantime, the Delegation reiterates its appeal to the two parties to continue to exercise maximum restraint.

The OAU High-level Delegation expresses its high appreciation to the two parties for the confidence they place in the organization. The Delegation will submit a report on its efforts to the Central Organ of the OAU Mechanism for Conflict Prevention, Management and Resolution at its next session at the Summit level.

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1998/1061
11 November 1998

ORIGINAL: ENGLISH

LETTER DATED 11 NOVEMBER 1998 FROM THE PERMANENT REPRESENTATIVE OF ETHIOPIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit to you a copy of statement delivered on 11 November 1998 by the Minister for Foreign Affairs of the Federal Democratic Republic of Ethiopia, Seyoum Mesfin, to the diplomatic community in Addis Ababa on the crisis between Ethiopia and Eritrea.

As you are well aware, the Organization of African Unity (OAU) High-level Delegation on the dispute between Ethiopia and Eritrea met at Ouagadougou on 7 and 8 November 1998 and submitted to both parties a proposal for a Framework Agreement for a peaceful settlement of the dispute between Eritrea and Ethiopia, which Ethiopia has fully accepted.

I should be grateful if you would have the text of the present letter and its annex circulated as a document of the Security Council.

(Signed) Duri MOHAMMED
Ambassador
Permanent Representative

Annex

Statement made on 11 November 1998 by the Minister for Foreign Affairs of Ethiopia to the diplomatic community in Addis Ababa on the crisis between Ethiopia and Eritrea

I am very much pleased to welcome you all to this meeting and I wish to thank you for having responded to our invitation.

You recall the first meeting we had in May, immediately following the Eritrean aggression against Ethiopia, at which time I had the opportunity to brief you on the tragic crisis imposed on us by the State of Eritrea.

That briefing was made necessary, among other things, because the suddenness of the crisis and the unexpected nature of the invasion and the sharp deterioration in relations between the two countries that were least expected to be at loggerheads, much less be on a war footing, was a source of legitimate bewilderment to many. At that meeting in May, I tried to explain to you as best I could how we intended to resolve the crisis, emphasizing two points: our commitment to the peaceful resolution of the problem, and also underlining the imperative need for the aggression to be reversed and for the Eritrean forces to be withdrawn from occupied Ethiopian territory before serious talks could commence between the two parties on whatever disputes there might be between the two countries.

It is now almost six months since I had that opportunity to address you on this tragic development in our subregion, for which the Eritrean authorities assume full responsibility.

Today's meeting with you and the briefing that I wanted to give you became necessary because of the very important event - an event which we all have been awaiting for sometime - which took place in Ouagadougou over the weekend.

In a way the meeting that the Organization of African Unity (OAU) High-level Delegation had separately with our Prime Minister and the President of Eritrea, at which time the proposal of OAU for resolving the crisis between Ethiopia and Eritrea was made available to the two sides, was the culmination and the final result of a long and laborious process by the Organization of African Unity which included a fact-finding mission by an ambassadorial committee earlier, and a meeting at the ministerial level by the Committee in early August.

Let me state from the outset how grateful we have been to the OAU heads of State and Government comprising the High-level Delegation, the Secretary-General of OAU, Dr. Salim Ahmed Salim, and the secretariat of the Organization for the firm position that they have taken on matters of principle and for the fairness and the sense of responsibility that they brought to bear on this very complex task that was entrusted to them. If their effort has not succeeded so far, there is little doubt about who is to blame and this in itself is not a new story.

Now, coming to the factual account of the events that transpired in Ouagadougou, I would like the benefit of Your Excellencies to highlight the major points.

After having examined the proposal for a Framework Agreement for a peaceful settlement of the dispute between Eritrea and Ethiopia and having received a satisfactory explanation for clarification it sought on a few points in the proposal, the Ethiopian side informed the High-level OAU Delegation that it would have no problem accepting the proposal tentatively or ad referendum, emphasizing that its definitive and formal positive response along the same line would be forthcoming following consultation in Addis Ababa within the leadership. I am pleased to announce here today that our Prime Minister has now decided to communicate to the Chairman of the High-level Delegation Ethiopia's formal and definitive acceptance of the OAU proposal for peace. On the other hand, as must have been clear to the whole international community by now, the Eritrean response was the opposite. Eritrea has rejected the OAU proposal for peace.

It is hardly possible for anyone who has been following this crisis closely over the past six months to have been surprised by the respective behaviour of the two sides. We are simply rediscovering the wheel again and again. Ethiopia's position has been consistent; so has been Eritrea's.

For Ethiopia there have been two issues which have always been given absolute priority and primacy as forming the basis for resolving this crisis. The first has to do with its preference for the peaceful way of resolving this crisis and not responding in kind in terms of force as long as it is possible to regain Ethiopia's full sovereignty over its land without recourse to war. The second principle has to do with Ethiopia's absolute refusal to agree to proposals designed to appease the aggressor and to reward aggression. We have been consistent in following these two principles to a fault and we intend to continue along this path without fail.

The OAU proposal submitted to the two delegations in Ouagadougou has been acceptable to Ethiopia because it does not aim to reward aggression and it is in principle essentially based on the resolution adopted on 10 June 1998 by the thirty-fourth Assembly of Heads of State and Government of the Organization of African Unity at Ouagadougou.

In this regard, the clarifications that were given to the Ethiopian delegation by the OAU High-level Delegation on the key points of the proposal were the following:

(i) That the armed forces that would be redeployed or withdrawn from Badme and its environs are Eritrean troops;

(ii) That the reference to redeployment from Badme and its environs is meant to be understood as the withdrawal of Eritrean troops from all occupied Ethiopian territory and their return to positions held before 6 May 1998;

(iii) That the return of Ethiopian Civilian Administration includes the restoration of the Administration with its law enforcement organs minus regular troops.

The rest of the elements of the proposal are also consistent with Ethiopia's preparedness to contribute to a successful resolution of the underlying disputes on the basis of the pertinent colonial treaties and applicable international law.

The fact that Eritrea has rejected the OAU proposals for a Framework Agreement, which in a characteristic manner intended to confuse others their Foreign Ministry in a press release issued on 9 November has referred to as talking points, is also very consistent with the previous behaviour of the Eritrean authorities.

Eritrea had earlier rejected the joint proposal submitted by the United States of America and Rwanda; it had poured cold water on the OAU summit resolution of 10 June 1998 and had tried to emasculate Security Council resolution 1177 (1998) of 26 June 1998 through selective reading and by pretending that it had not been requested to cooperate with OAU and to accept and implement the OAU resolution of 10 June 1998.

I am not, of course, in a position to brief you in details on what the Eritrean side might have told the High-level OAU Delegation by way of explaining its rejection of the OAU proposal for a Framework Agreement. But no doubt - and this was made clear in a press conference given by the President of Eritrea upon his arrival in Asmara - the reason for the Eritrean rejection of this latest proposal is the same reason which was behind their rejection of the United States-Rwandan proposal. That has to do with the failure of this new proposal by OAU to bless the Eritrean aggression and to appease and reward the aggressor. One could imagine the lack of civility with which the Eritrean delegation might have behaved in the course of the deliberation, fragments of which we, like the rest of the international community, have begun to receive from the international media.

Of course now, on second thought, it appears that the Eritrean spin doctors have started to spread confusion - as can be witnessed from the press release issued by their Foreign Ministry to which I referred above - not only about the outcome of the Ouagadougou meeting, but even about the nature of the very proposal submitted by OAU and the reasons why the meeting did not produce the hoped-for results. The absolute shamelessness of the Eritrean Government and the fact that the Eritrean authorities care very little about their credibility can be seen in this same press release, whose content amounts to an insult to the intelligence of its intended readers. Unbelievable as it may seem, the Eritrean authorities are now saying officially that there was no proposal by OAU, and that what they were given in Ouagadougou was talking points which would be discussed at a future OAU Summit.

In whose court the ball is now after this Ouagadougou meeting cannot be doubted for a moment.

But there is also another element in what the stance of the international community might be after this event, which almost everybody has been awaiting with great anticipation for some time.

Should it be necessary to refer to what Ethiopia was being asked to do until this event and was being told about what this or that section of the international community might do following a clear-cut decision and a clear-cut proposal by OAU? Now OAU has spoken and its is very clear in whose court the ball is in this regard as well.

In this respect, it is perhaps very appropriate to refer to the very paradoxical events that have unfolded over the past six months with regard to how some have been very eager to try to penalize the aggressed, Ethiopia, without even raising a finger against the aggressor, Eritrea, ostensibly with the aim of promoting and facilitating the peaceful resolution of this crisis. The result, of course, unwittingly, has been to encourage the Eritrean authorities to persist, not only in their intransigence, but also in their lack of civility towards all those who have tried to make a difference for peace.

The refrain in the advice, mixed with threats, given to us has always been, of course, to wait for this OAU decision, following which all would behave in line with principles, in conformity with the need not to reward aggression and appease those who have shown this unmistakable behavioural pattern of violating international law.

What kind of support would the international community now give to the Organization of African Unity with a view to strengthening its hand in this exercise? Would the attempt at almost coddling the aggressor come to an end and would all those prepared to contribute to peace-making in this subregion tell the authorities in Asmara to reverse their aggression? Would the pressure be now applied to those who deserve to be put under pressure instead of on those who have stood for legality, international law and civilized behaviour? These are now questions which the Ethiopian people are asking. Practical action on the basis of a positive response to all these questions would no doubt be not only in the interest of the Ethiopian people, but also in the interest of the Eritrean people, who cannot be presumed to be pleased with what is being decided on their behalf by a leadership which many, in their heart of hearts, believe or suspect lacks either rationality or sanity.

We are, on the other hand, encouraged by some indications that have emerged over the past few days with regard to steps that seem to have been taken by some. I am referring to the frank, honest and principled talk that the Eritrean authorities have reportedly started to hear from some countries. I can assure you that our whole region and its peoples would always remain indebted to them and to all those who would follow their examples. It is only frank and honest talk and action based on them that will convince the Eritrean authorities that they are alone in their belief and in their conviction that what the world has is the law of the jungle.

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1998/1062
11 November 1998
ENGLISH
ORIGINAL: FRENCH

LETTER DATED 11 NOVEMBER 1998 FROM THE PERMANENT REPRESENTATIVE OF DJIBOUTI TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit to you herewith the communiqué dated 10 November 1998 from the Ministry of Foreign Affairs and International Cooperation of Djibouti on the meeting of the Mediation Committee held in Ouagadougou on 7 and 8 November 1998 on the conflict between Ethiopia and Eritrea.

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(Signed) Roble OLHAYE

Annex

Communiqué dated 10 November 1998 from the Ministry of Foreign Affairs and International Cooperation of Djibouti

The High Level Mediation meeting of the Organization of African Unity (OAU) on the border dispute between the Federal Democratic Republic of Ethiopia and the State of Eritrea was held in Ouagadougou from 7 to 8 November 1998 under the chairmanship of Mr. Blaise Compaoré, President of Burkina Faso and current Chairman of OAU. Mr. Hassan Gouled Aptidon El Hadj, President of the Republic of Djibouti and current President of the Intergovernmental Authority on Development (IGAD), Mr. Robert Mugabe, President of Zimbabwe, and Mr. Salim Ahmed Salim, Secretary-General of OAU, also participated, as did Mr. Mohamed Sahnoun, Special Representative of the Secretary-General of the United Nations as observer.

The High Level Committee of OAU endorsed the recommendations submitted by the Ministers for Foreign Affairs of the countries members of the high level delegation and decided to submit the proposals contained in the Framework Agreement to the leaders of Ethiopia and Eritrea for their comments.

After consideration and discussion of the proposals contained in the Framework Agreement, the Ethiopian side gave its agreement in principle and stated that it would submit them to the National Assembly and Government of Ethiopia for consideration.

Instead of expressing its views on the proposals contained in the Framework Agreement, the Eritrean side, through its President, requested the exclusion of the Republic of Djibouti from the Mediation Committee, making serious accusations against our country by stating that the Republic of Djibouti was contributing to the war effort on the side of Ethiopia and against Eritrea.

In his wisdom, the President of the Republic, Mr. Hassan Gouled Aptidon El Hadj, refused to yield to this characteristic provocation from the Head of State of Eritrea, whose unavowed aim was to divert the debate from the subject under discussion, namely the proposals contained in the Framework Agreement. The President of the Republic left it to his peers from Burkina Faso and Zimbabwe to respond.

The President of the Republic, Mr. Hassan Gouled Aptidon El Hadj, while rejecting these polemics and false accusations, stressed the high quality of the report submitted by the Committee of Ambassadors and the Ministerial Committee and recalled that the recommendations contained in the Framework Agreement had been approved at the Summit meeting.

The Presidents of Burkina Faso and Zimbabwe reminded the Head of State of Eritrea that the Republic of Djibouti had been appointed to the Mediation Committee by OAU at its 34th Summit meeting on the same basis as their own countries. They also underlined the contribution of the Republic of Djibouti to the mediation work, both at the ambassadorial and ministerial levels and at the level of Heads of State, since the Committee had been established. They asked

him to confine his remarks to the item on the agenda and to state his views on the proposals contained in the Framework Agreement.

Faced with Eritrea's rejection of the recommendations contained in the Framework Agreement, the Heads of State declared that the city of Badme had certainly been under Ethiopian administration prior to 6 May and reiterated their demand for the withdrawal of the Eritrean armed forces from Badme and the surrounding area and the reinstallation of the Ethiopian administration in order to allow the redeployment of the OAU group of military observers as a preliminary to the work of delimitation and demarcation of the common border between the two countries.

The Government of the Republic of Djibouti rejects the false allegations made against it by the Head of State of Eritrea. Contrary to those unfounded accusations, the Republic of Djibouti has made considerable efforts to achieve a negotiated settlement of this conflict, which is weakening peace in our subregion. For instance, since the outbreak of hostilities, Mr. Hassan Gouled Aptidon El Hadj, as current President of IGAD, was the first Head of State to carry out a mediation mission, which led him in turn to Addis Ababa, Asmara and other capitals of countries in the subregion, and to expand contacts with the political leaders of the region.

The Republic of Djibouti continued its efforts during many meetings of the Mediation Committee.

The Republic of Djibouti refutes Eritrea's unfounded accusations and once again reaffirms its position of neutrality, as well as its willingness and availability to contribute to the search for a negotiated settlement of the conflict.

UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/1998/1063
12 November 1998
ENGLISH
ORIGINAL: ENGLISH, FRENCH
AND RUSSIAN

Draft resolution

The Security Council,

Recalling all its relevant resolutions and the statements of its President,

Having considered the report of the Secretary-General on the situation in Tajikistan of 3 November 1998 (S/1998/1029),

Reaffirming its commitment to the sovereignty and territorial integrity of the Republic of Tajikistan and to the inviolability of its borders,

Welcoming the movement towards the implementation of the General Agreement on the Establishment of Peace and National Accord in Tajikistan (S/1997/510) and the effective maintenance of the ceasefire between the Government of Tajikistan and the United Tajik Opposition (UTO), and noting that there remain difficulties to be resolved in this regard,

Welcoming further the intensified regular contacts between the leaderships of the Government of Tajikistan and the UTO which helped to contain the crises in the period covered by the report of the Secretary-General, confirmed the commitment of both parties to the peace process and contributed to the implementation of the General Agreement,

Welcoming the maintenance of close contact by the United Nations Mission of Observers in Tajikistan (UNMOT) with the parties, as well as its cooperative liaison with the Collective Peacekeeping Forces of the Commonwealth of Independent States (the CIS Peacekeeping Forces), the Russian border forces and the Mission of the Organization for Security and Cooperation in Europe,

Welcoming also the contribution of the Contact Group of Guarantor States and International Organizations to the peace process,

Expressing concern at the precarious security situation in some parts of Tajikistan,

Deeply concerned that there has not been sufficient progress in establishing all relevant facts concerning the murder of four members of UNMOT in July 1998,

1. Welcomes the report of the Secretary-General of 3 November 1998;

2. Strongly condemns the recent fighting in the Leninabad area initiated by forces trying to hinder the peace process in Tajikistan, and calls upon all concerned to refrain from the use of force;

3. Calls upon the parties to undertake vigorous efforts to implement fully the General Agreement, including the Protocol on military issues (S/1997/209, annex II), and to create conditions for the holding of elections at the earliest possible time in 1999;

4. Notes with appreciation the work of the Special Representative of the Secretary-General, commends the efforts of all the personnel of UNMOT and encourages them to continue assisting the parties in the implementation of the General Agreement;

5. Welcomes the continued contribution made by the CIS Peacekeeping Forces in assisting the parties in the implementation of the General Agreement in coordination with all concerned;

6. Strongly condemns the murder of four members of UNMOT, recognizes that the completion of the investigation into this case is important for the resumption of the field activities of UNMOT, urges the Government of Tajikistan to complete the investigation expeditiously and to bring to justice all those found to be responsible for the crime and also urges the UTO leaders to continue to cooperate fully with these efforts;

7. Acknowledges the efforts of the Government of Tajikistan to enhance the protection of international personnel and calls upon the parties to cooperate further in ensuring the safety and freedom of movement of the personnel of the United Nations, the CIS Peacekeeping Forces and other international personnel;

8. Notes with satisfaction the meeting of the Consultative Group held by the World Bank on 20 May 1998, and calls upon Member States and others concerned to respond promptly and generously to the consolidated appeal for Tajikistan for 1998 launched in Geneva in March 1998;

9. Recognizes that comprehensive international support remains essential for the intensification of the peace process in Tajikistan and reminds both parties that the ability of the international community to mobilize and to continue assistance for Tajikistan is linked to the security of the personnel of UNMOT and international organizations, and of humanitarian workers;

10. Decides to extend the mandate of UNMOT for a period of six months until 15 May 1999;

11. Requests the Secretary-General to keep the Council informed of all significant developments, in particular regarding the security situation and measures taken to enhance the security of UNMOT, and also requests him to report within three months of the adoption of this resolution on its implementation;

12. Decides to remain actively seized of the matter.

UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/1998/1064
11 November 1998

ORIGINAL: ENGLISH

REPORT OF THE SECRETARY-GENERAL ON THE UNITED NATIONS CIVILIAN POLICE MISSION IN HAITI

I. INTRODUCTION

1. The present report is submitted pursuant to Security Council resolution 1141 (1997) of 28 November 1997, by which the Council established the United Nations Civilian Police Mission in Haiti (MIPONUH) in order to continue to assist the Government of Haiti by supporting and contributing to the professionalization of the Haitian national police. In that resolution, the Council requested me to report on the implementation of the resolution every three months from the date of its adoption until the expiration of the mandate of MIPONUH on 30 November 1998.

2. The present report covers the activities of MIPONUH and developments in the mission area since my report of 24 August 1998 (S/1998/796). It also contains my recommendations on the role of the United Nations in Haiti after the expiration of the current mandate. Those recommendations are based on the continuing consultations of my Representative in Haiti and Head of MIPONUH, Mr. Julian Harston, with both the Haitian authorities and the group of Friends of the Secretary-General for Haiti, namely, Argentina, Canada, Chile, France, the United States of America and Venezuela.

II. POLITICAL SITUATION

3. As I informed the Security Council in my report of 24 August 1998, the consolidation of democracy and good governance in Haiti has continued to be undermined by the absence of a Prime Minister since 9 June 1997. This continuing institutional crisis has also eroded public confidence in the capacity and willingness of the authorities to solve the pressing economic and social problems facing the country.

4. The Cour supérieure des comptes et du contentieux administratif has carried out a protracted audit of the management of the Minister of Education, Mr. Jacques-Edouard Alexis, who was nominated for the post of Prime Minister on 15 July 1998 (see S/1998/796, para. 4). On 25 August 1998, the Court announced that it had given a final discharge (quitus) to Mr. Alexis for his management of the Faculty of Agronomy of the University of Haiti. Two months later, on

31 October 1998, the Court completed its review of the nominee's tenure as Minister of Education, and submitted it to Parliament. President René Préval has called an extraordinary session of Parliament for 10 November 1998 to discuss the nomination of Mr. Alexis and to ratify Haiti's agreement with the Inter-American Development Bank.

5. President Préval has recently held a number of discussions with representatives of civil society, trade unions, local authorities, the private sector and parliamentarians with a view to securing an agreement on the formation of a new Provisional Electoral Council and the holding of legislative and local elections. Despite initial optimism, little progress appears to have been made on reaching a consensus on those issues of national importance. So far, elements of the Lafanmi Lavalas party and the Anti Neo-Liberal Group remain opposed to the establishment of a new Provisional Electoral Council, arguing that the 1987 Constitution requires the establishment of a permanent electoral council.

6. In mid-September, hurricane Georges struck Haiti, in particular the central regions of the country. According to the Civil Protection Unit of the Ministry of Interior, which was coordinating emergency relief, the hurricane caused at least 229 deaths, some 343,800 people were left without shelter and some 68,000 farm animals were lost. The poorest sectors of the population were particularly affected. United Nations agencies in Haiti pooled their emergency resources to aid victims. The Haitian National Police demonstrated commendable professionalism during the crisis. Civilian police officers of MIPONUH also assisted with the relief effort.

7. A broad group of Haitian political leaders and representatives of civil society participated in the fourth meeting sponsored by the International Peace Academy outside Port-au-Prince from 28 to 31 October 1998. It was the first meeting to be held in Haiti since the start of the initiative in January 1998. The discussions focused on the economy and on justice and national reconciliation, and demonstrated the willingness of participants with diverse political views to build confidence and consensus. However, no representatives from the executive branch or official representatives of Lafanmi Lavalas were present at the working sessions.

III. DEPLOYMENT AND OPERATIONS OF THE UNITED NATIONS CIVILIAN POLICE MISSION IN HAITI

8. It will be recalled that, in establishing MIPONUH, the Security Council decided that the Mission would be composed of up to 300 civilian police officers, including a 90-strong special police unit deployed along with the necessary support personnel, to continue to assist the Government of Haiti by supporting and contributing to the professionalization of the Haitian National Police. On 9 November 1998, the civilian police element of MIPONUH included 145 officers from 11 countries (see annex I).

9. The substantive police element remains deployed in Port-au-Prince and in all nine <u>départements</u>, and the special police unit is based in the capital. MIPONUH has continued to pay special attention to training officers at the

supervisory level, guiding police officers in their professional duties and monitoring the performance of the Haitian National Police. Two civilian police officers have been assigned to the office of the Director-General of the Haitian National Police to improve administration and efficiency. The Mission has also focused on improving the capacity of the force in community policing, data-processing, public relations and maintenance of registers. The distribution of police registers, financed by the United Nations Development Programme (UNDP), to the commissariats in all the départements was recently completed with the assistance of the civilian police officers.

10. An average of some 400 police officers are trained by MIPONUH every week. With a view to increasing attendance at the training sessions, the Mission recently recommended that the Director-General issue a circular reminding police officers of the importance of their active participation. As a result of a meeting between MIPONUH representatives and the authorities at the Police Academy, MIPONUH civilian police officers visit the Academy every week to ensure continuity with the initial training provided. Relations with the Academy have improved significantly in recent months and a senior civilian police officer is assigned there.

11. Since the Haitian National Police continues to lack adequate communications and transport, the Mission lends logistical support whenever possible to the senior management of the police force and the judicial authorities to enable them to visit and inspect the commissariats and sous-commissariats in the more remote areas of the départements. It is of note also that during the emergency caused by hurricane Georges, the assistance provided by the Mission at Port-au-Prince airport and elsewhere in Haiti proved invaluable.

12. The Mission continues to coordinate its activities closely with those of UNDP and bilateral programmes, such as those of Canada, France and the United States of America. It also continues to cooperate closely with the International Civilian Mission in Haiti (MICIVIH), which monitors respect for human rights by the police force.

IV. HAITIAN NATIONAL POLICE

13. As I previously reported, the Haitian National Police has made considerable progress, and this assessment is shared by other independent observers. In particular, the new police force has strengthened its organization and operations and made some improvement as regards respect for the legal rights of detainees in police stations; and its leadership is committed to developing and strengthening the force. With the support of MIPONUH, efforts have also been made at the level of the office of the Director-General to update the official Police Development Plan for the period from 1998 to 2003. In particular, there has been a review of long-term objectives related to recruitment, training and administration. Further, there have been improvements in the logistics operations of the police force, which has successfully planned and implemented a number of infrastructure projects. In cooperation with the police project undertaken by UNDP, the logistics division of the police force has rehabilitated and constructed eight police stations in 1998 which are being equipped with the joint assistance of UNDP and MIPONUH. The MIPONUH administration has itself

managed the rehabilitation of four police stations through contractors in the southern and Artibonite départements. The Haitian National Police has developed significantly its capacity to implement public works projects, which is now comparable to that of construction companies in the private sector.

14. In October 1998, 75 police instructors graduated from the Police Academy after completion of a year-long training period conducted by Haitian and international instructors. Some 36 new recruits are currently undergoing six weeks of training as prison guards, after which they will be assigned to prisons and detention centres around the country. According to the Director-General of the Haitian National Police, plans to establish a rural police force to complement the national police have stalled because of financial constraints. Nevertheless, the Haitian National Police continues to liaise closely with local authorities to improve security in the rural areas.

15. Although progress has been made, there are problems still confronting the force. It lacks adequate resources and its investigative capacity is weak. Absenteeism among police officers also remains a problem, especially at police stations in the provinces, and there have been instances of crime, corruption and drug trafficking within its ranks.

16. The Director of the police judiciaire who resigned on 13 August 1998, claiming policy differences (see S/1998/796, para. 8), is being prosecuted for defamation and disciplinary measures have been taken against him. A successor has not yet been appointed.

17. The team of international consultants who made a formal evaluation of the UNDP project of technical assistance to the Haitian National Police (see S/1998/796, para. 20) issued its final report on 5 September 1998. The report emphasized that the training of the Haitian National Police was being conducted in an effective manner and recommended, inter alia, that the civilian police, which is playing a primordial role, should be maintained for at least another year.

V. JUSTICE SYSTEM

18. The law on judicial reform adopted on 7 April 1998 was promulgated in the official journal, Le Moniteur, on 17 August 1998. However, since 6 July 1998, when the Preparatory Commission on Legal and Judicial Reform submitted its short- and long-range strategic plan for reform, few concrete steps have been taken to implement the plan.

19. No date has yet been set for the important trial of those accused of the 1994 Raboteau massacre, and preparations for the trial have been hampered by problems with some of the judicial personnel involved. A new magistrate and a new public prosecutor have been assigned to the case. On 21 October 1998, the Minister of Justice met with the judicial authorities at Gonaives, demonstrating his support and determination to proceed with the trial.

20. In August and September 1998, the Ministry of Justice participated in formal ceremonies during which newly constructed houses were handed over to

victims of the 1991 coup d'état. Meanwhile, the non-governmental organization Fondation 30 septembre continues its year-old weekly peaceful protests at the Place des martyrs in Port-au-Prince to secure justice and reparations for the victims of the coup d'état.

21. A former magistrate, Mr. Luckner Pierre, accused of the murder of a journalist in 1982, was arrested on 16 October 1998 in Port-de-Paix on the basis of a warrant (mandat d'amener) issued by the State prosecutor on 6 February 1998. The arrest provoked several protests and demonstrations in the Port-de-Paix region.

22. On 25 August 1998, an international administration and finance specialist recruited by MICIVIH began working with the Office of the Ombudsman for a four-month period to assist in improving administration and management and seeking independent sources of funding. Regrettably, the Office of the Ombudsman is still facing financial difficulties that impede its capacity to fulfil its mandate.

VI. DEVELOPMENT ACTIVITIES

23. There has been considerable progress in fighting inflation, which has been lowered to about 8 per cent in the fourth quarter of 1998 from about 50 per cent in 1994. The reserves have increased and the stability of the gourde has been well managed. There has been some progress in the reform of public administration and exports have increased. However, the serious socio-economic difficulties arising from the political stalemate of the past 17 months are still very much in evidence. The UNDP Human Development Report published in September 1998 shows a steady decline in the human development index (HDI) for Haiti and in its position in the world HDI rankings, which dropped from a ranking of 148 in 1995 to 159 in 1998. The effects of the political crisis continue to be felt in a weakening public administration, a stalled decentralization process and a slowdown in the implementation of essential structural reforms. The International Monetary Fund reports that after accelerating to 4.4 per cent during the period 1994-1995, real GDP growth slumped to 1.1 per cent during the period 1996-1997, in part as a result of a drop in the initial surge of investments in the public sector that followed the return to constitutional rule. However, there has recently been a slight increase in GDP that may unfortunately be reversed by the effects of hurricane Georges. A decline in public investment is directly attributable to dwindling foreign aid, which finances about 80 per cent of public investments in Haiti. In 1998, disbursements are projected to drop even further as a result of the political impasse and the fact that Parliament has held up approval of all new loan agreements since the resignation of the Prime Minister in June 1997.

24. In the aftermath of hurricane Georges, UNDP, the United Nations Children's Fund (UNICEF), the World Food Programme (WFP) and the World Health Organization (WHO) provided emergency assistance to the victims in the form of food and medical assistance, and assisted the authorities in coordinating relief efforts. In addition to its continuing nationwide needs assessment activities in the area of food security, the Food and Agriculture Organization of the United Nations has put together an emergency programme of agricultural rehabilitation in the

areas most affected by the hurricane. The programme is being submitted to the United Nations system and to the donor community as part of a broader rehabilitation effort. United Nations agencies have continued to strengthen their assistance to the poorest and most vulnerable sections of the Haitian population and to assist in the rebuilding of national institutions to ensure long-term national ownership of development programmes.

25. The United Nations system has undertaken other substantive activities such as a national workshop sponsored by the United Nations Educational, Scientific and Cultural Organization, which is planned for the end of November 1988, to discuss the creation of a national centre for peace and dialogue; a nationwide vaccination campaign jointly promoted by UNICEF, WHO and interested donors for children up to five years of age and for women of child-bearing age; continued UNDP and UNICEF support to the decentralization process in order to improve the planning and delivery of social services; and preparations, under the leadership of the United Nations Population Fund, for a population census to be conducted by 2001. A WFP programme to assist 40,000 children was expected to start in early October 1998. Although implementation of the programme has been held up by delays on the part of the authorities in issuing the required letter of agreement, it is hoped that it will be launched in November 1998. Inter-agency coordination workshops continued to be held to place United Nations activities in the country within the broader framework of the reform programme of the Secretary-General. Haiti offers an excellent example of United Nations agencies working effectively and economically together.

VII. FINANCIAL IMPLICATIONS

26. It is estimated that the cost associated with the extension of MIPONUH for a period of one year, at its current strength of 300 civilian police, 74 international staff, 133 locally recruited staff and 17 United Nations Volunteers would be approximately 33.6 million United States dollars ($). That amount includes helicopter services provided as a voluntary contribution in kind valued at $2.8 million.

27. Should the Security Council decide to extend the mandate of MIPONUH, as recommended in paragraph 32 below, I would then seek the additional resources required from the General Assembly. A breakdown of the estimated financial requirements is provided by main category of expenditure, for information purposes, in annex II to the present report.

VIII. OBSERVATIONS

28. It is of paramount importance that efforts to reach a solution to the current political impasse in Haiti continue in earnest. As I have noted in my previous reports and as the Council has underlined before, the protracted political stalemate has serious consequences for the future of democracy in the country and for its economic development, and it also jeopardizes international assistance. Fully functioning institutions in accordance with the Constitution and timely democratic elections are basic requirements for stability and

progress. I therefore reiterate my appeal to the Haitian political leaders to negotiate an end to the crisis in a spirit of tolerance and compromise.

29. Almost one year after its establishment by the Security Council, MIPONUH has made substantial progress in fulfilling the mandate entrusted to it by resolution 1141 (1997). The Haitian National Police has developed a greater capacity to maintain law and order. Its officers have a visible presence on the roads and in various communities. A recent United States Information Service poll showed that 70 per cent of those polled had confidence in the Haitian National Police as an institution - a truly extraordinary figure for a country with no tradition of civilian policing. By their presence and daily example, United Nations civilian police officers have had a positive effect on the conduct of police work in Haiti.

30. However, a fully effective Haitian police force does not yet exist. The current force remains extremely fragile and still lacks the experience, professional skills, resources and cohesion that are the hallmarks of a well-established police force. Continuing instances of excessive use of force by some police officers are often a reflection of inadequate experience and discipline. The Haitian National Police is also facing the formidable and growing security challenges caused by drug trafficking and banditry and must continue to address the cases of crime and corruption that occasionally arise within its ranks. As was recently emphasized by a team of international consultants, while the investment of the international community in support of the national police has proved to be a sound one, it will turn out to be a failure if it is not sustained (see S/1998/796, para. 20, and paragraph 17 above).

31. The training of police officers should not be conducted in a legal vacuum, and establishing an effective judicial system in Haiti remains of the utmost importance. Further delays in judicial reform put at risk the progress that has been achieved by the Haitian National Police. The reform of the judicial system is also essential for the consolidation of democracy, respect for human rights, maintenance of law and order and an end to impunity.

32. For the reasons outlined above, termination at this time of the mandate of MIPONUH, whose activities constitute a very prominent part of the United Nations presence in Haiti, would jeopardize the very real achievements of the Haitian National Police and have a negative effect on the efforts of the country to reinforce its institutions. A strong police service remains a very important base on which to build democracy. I therefore share the views expressed by President Préval in his letter of 22 October 1998 (S/1998/1003) requesting that the United Nations continue to cooperate with Haiti in order to strengthen the national police. My Representative in Haiti has since discussed this issue with the senior management of the Haitian National Police, who also agree that continued international support is needed, and are of the view that a continued police mission is the most sensible way of providing this vital assistance. Accordingly, the Council may wish to authorize the extension of the mandate and concept of operations of MIPONUH for another period of one year until 30 November 1999. In addition to monitoring the field performance of the Haitian National Police, the principal tasks for the Mission during the new mandate period, if so authorized by the Council, would be to reinforce the

training already given to middle and senior cadres of the force, to reinforce the creation of a proper command structure and administration, and to strengthen the work already done on community policing. It will be essential at the same time to ensure that, on the eventual departure of MIPONUH, the central directorate of the police force has a functioning capability to manage the aid from bilateral and multilateral sources that, I hope, will continue to be offered. My Representative will coordinate the efforts of the United Nations agencies to achieve this capability and will work closely with Member States to ensure that bilateral and multilateral efforts are complementary.

33. Should the Security Council authorize an extension of MIPONUH, I am confident that the Mission will continue to fulfil its mandate to assist in the training and professionalization of the Haitian National Police satisfactorily. To do so, however, it will need both the continued support of the States that provide its human and material resources and the continued cooperation of the authorities and people of Haiti.

34. I should like to take this opportunity to thank my Representative and Head of MIPONUH, Mr. Julian Harston, and the Police Commissioner, Colonel Claude Grudé, as well as the international and local staff of the mission, for their dedication and efforts in support of United Nations activities in Haiti.

Annex I

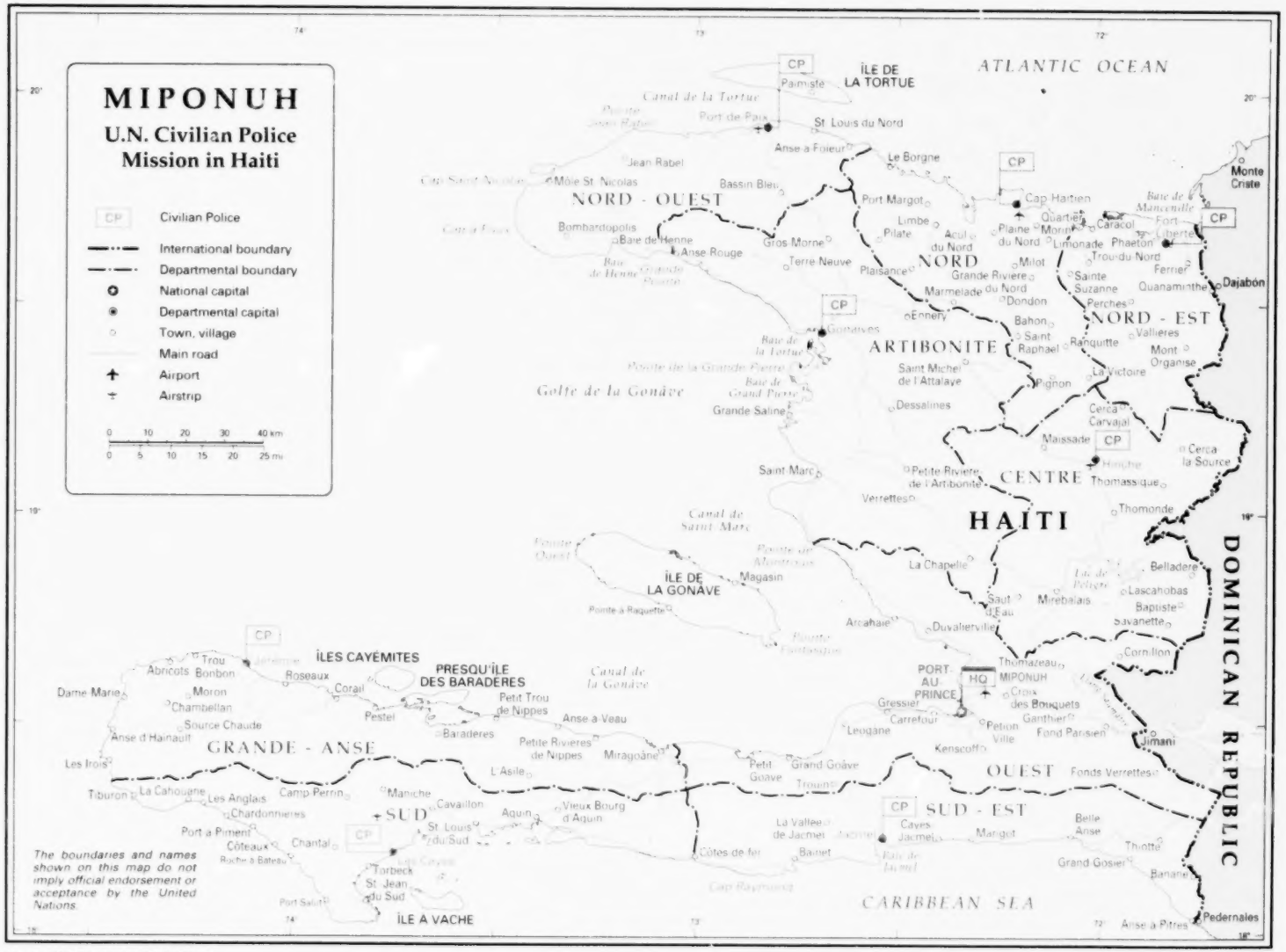
Composition of the United Nations Civilian Police Mission in Haiti as of 9 November 1998

Country	Special police unit	Civilian police
Argentina	140	6
Benin		6
Canada		24
France		36
India		2
Mali		20
Niger		5
Senegal		8
Togo		6
Tunisia		2
United States of America		30
Subtotal	140	145
Total	285	

Annex II

Cost estimates for the extension of the United Nations Civilian Police Mission in Haiti for a period of 12 months

Item	Thousands of United States dollars
Military personnel costs	--
Civilian personnel costs	20 620
Premises/accommodation	1 430
Infrastructure repairs	--
Transport operations	3 500
Air operations	2 820
Naval operations	30
Communications	410
Other equipment	1 000
Supplies and services	2 190
Election-related supplies and services	--
Public information programmes	70
Training programmes	--
Mine-clearing programmes	--
Assistance for disarmament and demobilization	--
Air and surface freight	70
United Nations Logistics Base, Brindisi	--
Support account for peacekeeping operations	--
Staff assessment	1 460
Total	33 600



Map No. 4042 Rev. 3 UNITED NATIONS
November 1998

Department of Public Information
Cartographic Section

UNITED
NATIONS

A S

General Assembly
Security Council

Distr.
GENERAL

A/53/663
S/1998/1065
11 November 1998

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Fifty-third session
Agenda item 62
QUESTION OF CYPRUS

SECURITY COUNCIL
Fifty-third year

Letter dated 11 November 1998 from the Permanent Representative of Cyprus to the United Nations addressed to the Secretary-General

Upon instructions from my Government and further to my letter dated 6 November 1998 (A/53/649-S/1998/1048), I have the honour to draw Your Excellency's attention to new violations of the national airspace of the Republic of Cyprus and of the flight information region (FIR) of Nicosia by military aircraft of the Turkish Air Force, recorded on 10 November 1998.

On that day two C-130 military aircraft of the Turkish Air Force entered the northern Nicosia FIR, violating international air traffic regulations. The aircraft in question violated the national airspace of the Republic of Cyprus and landed at the illegal airport of Lefkoniko in the occupied area of the Republic before returning back to the Ankara FIR on the same day.

As stated in my previous letters, such unauthorized intrusions into the Nicosia FIR and the national airspace of the Republic of Cyprus are in violation of international air traffic rules and, at the same time, they are in contravention of the provisions of the Security Council resolutions on Cyprus which state that such overflights increase tension on the island and undermine efforts towards achieving a final settlement.

On behalf of the Government of the Republic of Cyprus, I wish to strongly protest these new provocative acts by Turkey against the sovereignty and territorial integrity of the Republic of Cyprus. The frequency and intensity of airspace violations are a further reminder of Turkey's offensive disregard of international law, the Charter of the United Nations and all the relevant decisions of the Organization on the question of Cyprus.

Furthermore, these continuing overflights by the Turkish Air Force, as well as the presence of the Turkish military occupation forces on the island, constitute the underlying causes of tension in Cyprus.

I should be grateful if you would have the text of the present letter circulated as a document of the General Assembly, under agenda item 62, and of the Security Council.

(Signed) Sotos ZACKHEOS
Ambassador
Permanent Representative

UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/1998/1066
12 November 1998
ENGLISH
ORIGINAL: FRENCH

LETTER DATED 10 NOVEMBER 1998 FROM THE PERMANENT REPRESENTATIVE OF AUSTRIA TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to draw your attention to the statement issued on 9 November 1998 by the Presidency of the European Union concerning Iraq (see annex).

I should be grateful if you would have the text of this letter and its annex circulated as a document of the Security Council.

(Signed) Ernst SUCHARIPA
Permanent Representative of Austria
to the United Nations

98-35137 (E) 131198 131198

/...

Annex

[Original: English and French]

Statement on Iraq issued on 9 November 1998
by the European Union

The European Union condemns as totally unacceptable Iraq's decision of 31 October to cease all cooperation with the United Nations Special Commission. The European Union supports the Security Council's response to that decision, resolution 1205 (1998) of 5 November. The European Union urges Iraq to resume full cooperation with the Special Commission and the International Atomic Energy Agency immediately, and expresses its continued support for both organizations. The European Union also welcomes the fact that the Security Council has again expressed its readiness to hold a comprehensive review of Iraq's obligations once Iraq has resumed cooperation. The European Union expresses its strong hope that Iraq will do so soon and confirms its full support for the Secretary-General in his efforts to seek full implementation of the Memorandum of Understanding of 23 February 1998.

Meanwhile, the European Union will work together with all the neighbours of Iraq to seek the more effective enforcement of existing sanctions. Specifically, the Presidency (Troika) will make contact with those countries to that end. At the same time, the European Union will work to continue to ensure more effective implementation of the oil-for-food programme and full Iraqi cooperation in preventing any unnecessary suffering for the Iraqi people.

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1998/1067
12 November 1998
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 12 NOVEMBER 1998 FROM THE PERMANENT REPRESENTATIVE OF BURKINA FASO TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit to you herewith for the information of the Security Council the press release (see annex) and the document entitled "Proposals for a framework agreement for a peaceful settlement of the dispute between Eritrea and Ethiopia", resulting from the meeting in Ouagadougou on 7 and 8 November 1998 on the conflict between Eritrea and Ethiopia.

The press release only may be issued as a document of the Security Council.

(Signed) Michel KAFANDO
Ambassador

Annex

Press release issued by the Organization of African Unity

The High-level Delegation of the Organization of African Unity (OAU) on the dispute between Eritrea and Ethiopia met in Ouagadougou, Burkina Faso, on 7 and 8 November 1998, under the chairmanship of Mr. Blaise Compoaoré, President of Burkina Faso and current Chairman of OAU. Mr. Hassan Gouled Aptidon, President of the Republic of Djibouti, and Mr. Robert Gabriel Mugabe, President of the Republic of Zimbabwe, also took part in the meeting. Mr. Salim Ahmed Salim, Secretary-General of the Organization of African Unity also took part in the meeting.

The Secretary-General of the United Nations was represented by Ambassador Mohamed Sahnoun as observer.

The High-level Delegation of OAU considered and adopted a set of proposals constituting the elements of a framework agreement for a peaceful settlement of the dispute between Eritrea and Ethiopia. The proposals were communicated to Mr. Isaias Afewerki, President of the State of Eritrea, and Mr. Meles Zenawi, Prime Minister of the Federal Democratic Republic of Ethiopia by the current Chairman of OAU on behalf of the High-level Delegation.

The two leaders were received separately by the High-level Delegation, which heard their preliminary comments and provided clarification on some aspects of the proposals, as requested by the parties.

The High-level Delegation reaffirmed to the two parties its total commitment to continue its endeavours, and urged them to convey to it in due course their definitive response to the proposals submitted to them.

In the meantime, the delegation renews its appeal to the two parties to continue to exercise maximum restraint.

The High-level Delegation of OAU is most appreciative of the confidence placed in the Organization by the two parties.

The Delegation will submit a report on its endeavours to the Central Organ of the OAU Mechanism for Conflict Prevention, Management and Resolution at its next summit session.

UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/1998/1068
12 November 1998

ORIGINAL: ENGLISH

REPORT OF THE SECRETARY-GENERAL PREPARED PURSUANT TO RESOLUTIONS 1160 (1998), 1199 (1998) AND 1203 (1998) OF THE SECURITY COUNCIL

I. INTRODUCTION

1. The present report is submitted pursuant to Security Council resolutions 1160 (1998) of 31 March 1998, 1199 (1998) of 23 September 1998 and 1203 (1998) of 24 October 1998 and covers the period since my previous report of 3 October 1998 prepared pursuant to resolutions 1160 (1998) and 1199 (1998) (S/1998/912).

II. SECURITY COUNCIL COMMITTEE ESTABLISHED PURSUANT TO RESOLUTION 1160 (1998)

2. As of 31 October 1998, in addition to the 53 States listed in my earlier reports (S/1998/608, S/1998/712, S/1998/834 and S/1998/912), Israel reported to the Security Council Committee established pursuant to resolution 1160 (1998), in accordance with paragraph 12 of that resolution, on steps taken to give effect to the prohibitions imposed by the resolution. In a note verbale dated 3 November 1998, the Permanent Mission of Austria to the United Nations, on behalf of the European Union, transmitted to the Chairman of the Committee the third special report from the European Community Monitoring Mission containing its observations pertaining to the Committee's mandate.

3. At its fourth meeting, on 15 October 1998, the Committee considered information gathered by the Secretariat from public sources on violations of the prohibitions imposed by resolution 1160 (1998) in conjunction with information of the same nature received from relevant regional organizations. The Committee acknowledged that concentrated efforts by States were needed for the effective implementation of the arms embargo, especially by those countries neighbouring the Federal Republic of Yugoslavia. The Committee authorized its Chairman, Celso L. N. Amorim (Brazil), to renew his appeal to those States that had not yet fulfilled their obligations under paragraph 12 of Security Council resolution 1160 (1998) to adopt the necessary measures as soon as possible and to inform the Committee accordingly. States, as well as international and regional organizations, were urged to provide to the Committee information that might be available to them concerning violations or suspected violations of the imposed prohibitions. The appeal was addressed especially to States in the

region, as well as to other States that could play a significant role in achieving the objectives of resolutions 1160 (1998) and 1199 (1998).

III. COMPREHENSIVE REGIME TO MONITOR THE IMPLEMENTATION OF THE PROHIBITIONS IMPOSED BY SECURITY COUNCIL RESOLUTION 1160 (1998)

4. The first consultative meeting of organizations participating in the comprehensive monitoring regime was convened at United Nations Headquarters in New York on 19 October 1998. Representatives from the Danube Commission, the European Union, the North Atlantic Treaty Organization (NATO), the Organization for Security and Cooperation in Europe (OSCE), the Western European Union and the Secretariat exchanged information on the monitoring of the prohibitions established by resolution 1160 (1998) and addressed practical issues arising in that regard. The participants also met with the Chairman of the Security Council Committee established pursuant to resolution 1160 (1998), with whom they discussed their contributions to the monitoring of the arms embargo.

IV. SITUATION IN KOSOVO

5. This section of the report is based on information provided by the Chairman-in-Office of OSCE (annex I), the European Union, NATO (annex II), the Kosovo Diplomatic Observer Mission and individual Member States. It also draws upon the report of a United Nations mission to the Federal Republic of Yugoslavia that visited the region from 17 to 27 October 1998 (hereinafter referred to as the United Nations mission; see sect. V), as well as contributions provided by the Office of the United Nations High Commissioner for Refugees and the United Nations High Commissioner for Human Rights.

Political framework

6. The accord reached by the President of the Federal Republic of Yugoslavia, Slobodan Milosevic, and the United States Special Envoy, Richard Holbrooke, on 13 October 1998 (see S/1998/953, annex), as well as the agreements signed in Belgrade on 15 October 1998 between the Federal Republic of Yugoslavia and NATO, and on 16 October 1998 between the Federal Republic of Yugoslavia and OSCE, have contributed towards defusing the immediate crisis situation in Kosovo and have created more favourable conditions for a political settlement.

7. The authorities of the Federal Republic of Yugoslavia welcomed the Agreement of 16 October establishing the Kosovo Verification Mission and indicated their readiness to cooperate fully with the Mission. They pledged to ensure full freedom of movement for the Kosovo Verification Mission monitors and undertook to inform them of possible dangers. The Minister of the Interior of Serbia, in particular, indicated the Government's intention to inform the Mission promptly of all incidents that might occur in the region excluding, however, incidents that the authorities might classify as "criminal activity".

8. Government officials informed the United Nations mission that they were considering holding elections in Kosovo in about nine months. The Kosovo

Executive Council, that is, the local administration established by the Government, had recently became functional, albeit with no Kosovo Albanian participation. The Deputy Prime Minister of the Federal Republic of Yugoslavia indicated to the United Nations mission the need for joint national and international efforts to address the humanitarian situation in Kosovo and pledged to promote active cooperation with humanitarian organizations on the ground to that end.

9. The Kosovo Albanian leaders, in their contacts with the United Nations mission, expressed reservations about the 13 October accord and the 16 October agreement, although they appreciated the fact that Kosovo was no longer considered to be exclusively an internal problem of the Federal Republic of Yugoslavia. They still insisted on their right to self-determination and signalled their continuing wish for an international armed presence on the ground.

10. The position of Kosovo Albanian paramilitary units remained unclear. The authorities of the Federal Republic of Yugoslavia expressed concern that members of those units might try to provoke the police and military in Kosovo and trigger a reaction from the Government. The Kosovo Albanian leaders indicated, with various degrees of certainty, that Kosovo Albanian paramilitary units would respect the 13 October accord by and large. Nonetheless, they could not rule out the possibility that some small splinter armed groups might continue attacks, thus giving the authorities of the Federal Republic of Yugoslavia a pretext for violent retaliation.

Recent military situation

11. Both the parties to the conflict and the international observers on the ground acknowledge that the military situation has stabilized recently and that, despite some serious but isolated incidents, there has been no major fighting since 1 October. Many local people indicated to the United Nations mission that the situation had improved in the two weeks following the ceasefire, although several villages had reportedly been destroyed recently by the Serbian police. Tensions persist, however, in many areas dominated by Kosovo Albanian paramilitary units, with guerrilla-style attacks on police and military positions and frequent reports of sporadic gunfire exchanges and shelling by Government forces.

12. Between 28 September and 19 October 1998, the Ministry of the Interior reported a total of 117 attacks of varying intensity, in which a total of 10 policemen were killed and 22 were injured. Seven members of the Yugoslav army were also reported killed and two injured during the incidents. The demarcation between police and Kosovo Albanian paramilitary units was not always clear at the time of the visit of the United Nations mission; in some cases their respective positions were only several hundred metres apart. Accordingly, in almost all cases, it was difficult to determine which side had initiated hostilities.

13. Recent attacks by Kosovo Albanian paramilitary units have indicated their readiness, capability and intention to actively pursue the advantage gained by the partial withdrawal of the police and military formations. Reports of new

weapons, ammunition and equipment indicate that the capacity of those units to resupply themselves is still fairly good.

14. The army and police presence in Kosovo has been significantly reduced since early October. The presence and disposition of the remaining Government forces indicate a strategy based on containing pockets of resistance and on control of high ground and the main arterial routes in areas dominated by Kosovo Albanian paramilitary units. Tripwires and anti-personnel mines have reportedly been laid at the approaches to some police positions as an early warning measure. Since 27 October, there has been a continued withdrawal of the Serbian security forces from Kosovo and numerous checkpoints and fortified positions have been dismantled. The Serbian police retain control over key roads. Mobile police checkpoints have been established on major roads in some areas.

15. Kosovo Albanian paramilitary units are asserting their own authority to supplant that of the Serbian police in areas from which the police have withdrawn, and have established their own checkpoints on a number of secondary roads.

16. While the ceasefire is generally holding, there are continued reports of sporadic violations, including armed provocations against police and police harassment of ethnic Albanians. The presence of Kosovo Albanian paramilitary units is reportedly on the increase in several areas, and they appear to be responsible for some of the reported violations, including attacks on civilians. Serbian police raised security measures around a coal mine and power plant outside Pristina following an attack by Kosovo Albanian paramilitary units on 3 November in which three Serbian workers were injured.

17. Kosovo Albanian paramilitary units denied access to Kosovo Diplomatic Observer Mission teams to some areas, requesting a letter from their political representative. On 5 November, a clearly marked OSCE vehicle was fired on as it drove close behind a Federal Republic of Yugoslavia military convoy between Suva Reka and Stimlje.

Security

18. The overriding concern of both ethnic Serbs and Albanians is the security of their families. While the Serbian authorities told the United Nations mission that they needed a large police presence in designated parts of Kosovo to protect ethnic Serbs living in the province and to ensure that at least main highways remained safe and free for travel, the Kosovo Albanian representatives stated that police units were used as another arm of the military, intent on intimidating local Albanians. Police and military personnel have occupied some village homes, making their owners' return impossible. Furthermore, many deserted villages have a presence of some five to eight police, who remain purportedly to prevent or give early warning of attempts by Kosovo Albanian paramilitary units to reoccupy territory previously taken by Government forces. This presence was cited almost universally by the internally displaced persons as the primary reason for people not returning to their homes.

19. Government authorities informed the mission that they had established local police units with Kosovo Albanian participation in some 100 "secured" villages.

The only ethnic Albanian police officers met by the mission were three elderly officers involved in food distribution near Dakovica.

Humanitarian situation

20. As of mid-October, the United Nations High Commissioner for Refugees (UNHCR) estimated that some 200,000 persons were still displaced inside Kosovo. The number of people who had fled to other areas was estimated at 42,000 in Montenegro, 20,500 in Albania, 3,000 in the former Yugoslav Republic of Macedonia, 10,000 in Bosnia and Herzegovina and some 20,000 in Serbia. In 11 European countries recently surveyed by UNHCR, the total number of applications by asylum-seekers from the Federal Republic of Yugoslavia increased from 11,000 in the first quarter of 1998 to 28,000 in the third. Some 80 to 90 per cent of the applicants are asylum-seekers from Kosovo.

21. Significant progress was made in the return of displaced persons in Kosovo following the ceasefire and the 13 October accord. UNHCR estimates that up to 50,000 people have returned to their original villages, including 2,000 internally displaced persons from Montenegro. Since the military withdrawal on 27 October, thousands of displaced persons have returned to their villages. Many of the returnees whose houses were intact indicated that they would stay and would shelter neighbours who had lost their homes. Others are repairing homes to bring back their families. In some areas, villagers were preparing to plant the winter crop of wheat. Although there were some reports of harassment and obstruction by security forces, most returnees encountered few problems.

22. As of mid-October, people living in the open presented one of the major concerns to the international community. Of the 10,000 internally displaced persons estimated to be living under plastic sheeting before the 27 October military withdrawal, almost all had either returned to their villages or were staying with host families. There were still, however, a number of villages that remained deserted.

23. There are still many displaced families remaining with host families and in towns that have been untouched by the hostilities. This, in turn, has created problems. In many towns private dwellings are packed to three or four times their normal capacity, creating serious sanitary hazards.

24. UNHCR estimates that there are some 20,000 damaged houses, of which approximately 60 per cent are currently inhabitable. From 2 to 4 November, United Nations agencies, non-governmental organizations and the Kosovo Diplomatic Observer Mission conducted a village-by-village survey in order to get an accurate picture of the number of returnees and the condition of houses. The results of the survey are expected to help aid agencies in planning emergency shelter assistance and relief supplies. Preliminary indications are that some 370 villages have suffered varying degrees of damage. UNHCR, together with non-governmental organizations, is currently distributing 3,000 emergency shelter kits, pending a more systematic distribution of shelter materials upon completion of the inter-agency survey.

25. Access by humanitarian agencies to internally displaced persons has generally improved since the time of my previous report, although delays in

obtaining entry visas from the authorities of the Federal Republic of Yugoslavia for their staff and difficulties in obtaining radio licences persist.

26. The encouraging response from donors to the current United Nations Consolidated Inter-agency Appeal for Humanitarian Assistance to Kosovo has enabled United Nations humanitarian agencies to step up emergency assistance to the victims of the conflict. From 28 October to 4 November, UNHCR escorted multi-agency convoys that delivered relief aid for 208,700 people in various parts of Kosovo. Supplies came from UNHCR, the World Food Programme (WFP), Mercy Corps International, Children's Aid Direct, Catholic Relief Services and Oxfam. Convoys are currently running three times a day, six days a week.

27. The initiative of the authorities of the Federal Republic of Yugoslavia to establish distribution centres throughout Kosovo has been welcomed by United Nations agencies as a constructive step. However, many potential beneficiaries interviewed by the mission stressed that the decision to delegate management of the centres to the local police is likely to dissuade Albanian internally displaced persons from taking advantage of such facilities. In line with the United Nations principle that assistance should be delivered where it is most needed, most agencies have so far opted to continue to distribute aid mainly through the Mother Teresa Society, which has a wide network and enjoys the trust of the Albanian population. Since it is questionable whether any Serb in need in Kosovo would be in a position to use the Albanian-managed Mother Teresa centres, assistance to needy Serbs is channelled through the Yugoslav Red Cross Society.

28. The situation of refugees and internally displaced persons in Montenegro, which hosts the biggest number of internally displaced persons outside Kosovo, remains of concern. The decision by the Government of Montenegro to close its border to internally displaced persons from Kosovo on 11 September is still in force. The authorities have justified this decision on economic and security grounds, voicing particular concern about potential destabilization in Montenegro as a result of the situation in Kosovo.

29. With almost half of the Montenegrin population living under the poverty line and with refugees and internally displaced persons comprising up to 12 per cent of the total population, Montenegro may indeed face a lack of capacity to cope with the problem. Economic sanctions against the Federal Republic of Yugoslavia and the general downturn in Montenegro's economy have made it virtually impossible for the Government, through the local Red Cross, to continue on its own to provide comprehensive assistance to the 42,000 new arrivals from Kosovo, in addition to a refugee caseload of 25,000 from the former Yugoslavia. However, considerable assistance is being provided by the international community to these persons.

30. A recent assessment mission by the Food and Agriculture Organization of the United Nations (FAO) to the Federal Republic of Yugoslavia concluded that the conflict in Kosovo was affecting the agricultural sector through uncertain access by returnees to their land, the collapse of local cereal production, a shortage of farming equipment and a decline in livestock. FAO will appeal for essential agricultural inputs to enable basic food production activities.

Mines

31. There have been many reports of mines being laid in Kosovo by both the Government forces and the Kosovo Albanian paramilitary units. The Deputy Chief of the General Staff of the Federal Republic of Yugoslavia asserted that the Yugoslav army had laid mines only on the borders with Albania and the former Yugoslav Republic of Macedonia, but not in the interior; that they were properly and accurately recorded in accordance with international conventions; and that the army was in a position to lift all mines without the assistance of the United Nations or other agencies. There are, however, some reports of small protective minefields being laid by police around their positions in central Kosovo. Reports of mined areas in the territories dominated by Kosovo Albanian paramilitary units are mostly undetailed.

32. Landmines and booby traps are becoming a growing problem in Kosovo, both for displaced persons returning to their homes and for humanitarian personnel. As internally displaced persons returned to their villages, several people were reportedly killed by anti-personnel mines or booby traps laid around houses, buildings and wells. Vehicle mines are also present on a number of dirt roads in the province. The reported presence of mines has restricted humanitarian access in several areas. This situation will be exacerbated by the onset of winter, when snow will cover traces of landmine locations. Humanitarian agencies have asked local communities to seek the assistance of Kosovo Albanian paramilitary units in removing landmines in the areas that they control. Efforts are under way to train relief staff in mine awareness and first aid. In the absence of a technical mine survey mission, the general uncertainty regarding mined areas poses a particular threat.

Human rights

33. The Office of the United Nations High Commissioner for Human Rights continues its monitoring presence in Kosovo and reports regularly to the United Nations High Commissioner for Human Rights and the Special Rapporteur of the Commission on Human Rights, Jiri Dienstbier. From 21 to 29 October, the Special Rapporteur conducted his third visit to the Federal Republic of Yugoslavia. His report on human rights in Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia, including Kosovo, is contained in documents A/53/322 and Add.1.

34. Reports on the situation of human rights are consistent with the categories of serious violations of human rights that have characterized the crisis in Kosovo for many months. The human rights situation appears not to have changed significantly since the signing of the 16 October agreement. Violations have been attributed to Serbian security forces, Kosovo Albanian paramilitary units and village defence groups. Retaliatory and armed action, torture and ill-treatment, arbitrary detention, forced disappearances, harassment and discriminatory treatment are widely reported.

35. Religious and cultural monuments have been damaged and vandalized, both in conflict-affected areas and in urban areas where no fighting has taken place. In discussions with the Special Rapporteur and the staff of the Office of the United Nations High Commissioner for Human Rights, Government representatives in

Pristina confirmed that in some locations Government forces had been responsible for deliberate and retaliatory destruction of property owned by Kosovo Albanians. Returning internally displaced persons and Government officials have also confirmed the practice of the "screening" of internally displaced persons, in which men are separated from women and children and then held for questioning for periods ranging from hours to several days. It is reported that many of those detained are beaten and ill-treated during interrogation.

36. The Serbian Ministry of Justice has also confirmed that more than 1,500 persons, including 500 in absentia, are currently being investigated under suspicion of involvement in anti-state activities and in activities of the Kosovo Albanian paramilitary units. Some persons have already been convicted and sentenced. Five cases of death in custody have been reported so far. The Office of the United Nations High Commissioner for Human Rights monitors these trials, the first of which began on 22 October in Prizren. The Serbian Minister of the Interior has observed that an amnesty law can be discussed only after a political agreement has been finalized, a census and elections held, and new organs of local government subsequently formed.

37. The need for independent investigations into alleged arbitrary executions gained renewed urgency with the discovery of additional concentrations of corpses in several locations in Kosovo. The United Nations mission also received reports of alleged extra-judicial killings and massacres at Gornje Obrinje, Klecka, Golubovac, Volujak, Malisevo, Rausic, Glogovac and Gremnik. As a result of efforts by the European Union and other international organizations, including OHCHR, and initiatives by the Government of the Federal Republic of Yugoslavia, a group of Finnish forensic experts arrived in the Federal Republic of Yugoslavia on 20 October to assist the authorities in investigations into alleged arbitrary killings and mass graves. According to the Finnish Ministry for Foreign Affairs, the group also intended to carry out independent investigations as necessary. Unfortunately, the Government of the Federal Republic of Yugoslavia failed to cooperate fully with the International Tribunal for the Former Yugoslavia. A team of Tribunal officials, led by Chief Prosecutor Louise Arbour, was unable to visit Kosovo since the requested visas were not issued by the Federal Republic of Yugoslavia.

38. There are growing concerns as to the fate and whereabouts of the 140 to 150 civilians and police officers who are still missing after having been abducted by the Kosovo Albanian paramilitary units. The authorities of the Federal Republic of Yugoslavia report that 249 civilians and police have been abducted by Kosovo Albanian paramilitary units. The most recent of these cases involves two journalists of the state news agency, who went missing on 18 October; despite assurances about their well-being and imminent release, reports now indicate that they have been "sentenced" to 60 days' imprisonment. During his visit to Kosovo, the Special Rapporteur has appealed for the release of all abductees.

V. UNITED NATIONS MISSION TO THE FEDERAL REPUBLIC OF YUGOSLAVIA

39. In a statement to the press on 6 October 1998 on behalf of the Security Council, the President of the Council requested me to consider how the Secretariat might be ensured a first-hand capability to assess developments on the ground, and to continue reporting to the Council on compliance with its resolutions 1160 (1998) and 1199 (1998). In response to that request, and following consultations with the authorities of the Federal Republic of Yugoslavia, I dispatched a United Nations interdepartmental mission, headed by Staffan de Mistura, Director of the United Nations Information Centre in Rome, to the Federal Republic of Yugoslavia to look into those matters. In view of the expected deployment by OSCE of the Kosovo Verification Mission, the United Nations mission also assessed possible modalities for the coordination of activities between OSCE and United Nations agencies on the ground.

40. Between 17 and 27 October, the mission visited the Federal Republic of Yugoslavia, including Kosovo and Montenegro, as well as the OSCE secretariat in Vienna. Members of the mission met with a number of government and local officials, as well as with representatives of the Kosovo Albanian community. They also held consultations with international organizations, international and local non-governmental organizations and members of the diplomatic community in the Federal Republic of Yugoslavia. The mission visited various parts of Kosovo (see map), and interviewed a number of local citizens of different ethnic backgrounds. The head of the mission held consultations with senior OSCE and Kosovo Verification Mission officials.

41. So far, the Secretariat's capability to assess developments on the ground has been limited mainly to the humanitarian and human rights situation. Information in these areas has effectively been provided on a regular basis by UNHCR in its capacity as lead agency, and OHCHR, which has contributed to the Secretary-General's monthly reports prepared pursuant to resolution 1160 (1998). The Office of the High Commissioner for Human Rights, through the Special Rapporteur, has a separate mandate to report to the General Assembly and the Commission on Human Rights on human rights violations in the former Yugoslavia. Although the United Nations liaison office in Belgrade informs the Secretariat on political and military developments in the Federal Republic of Yugoslavia, including in Kosovo, it does not have a mandate to report to the Security Council on these issues, nor does it have a presence in Kosovo. It thus does not have the capacity to provide to the Council consistent, comprehensive first-hand information on the situation on the ground. Meanwhile, OSCE and NATO confirmed to the United Nations mission their preparedness to report to the Security Council on the situation in Kosovo in accordance with their newly approved mandates. Having explored various modalities for providing the Council with first-hand information on the situation in Kosovo, Mr. de Mistura prepared several alternatives for my consideration.

42. In doing so, he has taken into account that UNHCR, as the lead humanitarian agency in the region, has enhanced its coordinating role with arrangements to encompass other humanitarian partners operating in Kosovo and the increasing number of international and national non-governmental organizations represented on the ground. Weekly meetings chaired by UNHCR are held to coordinate the

provision of assistance and to avoid the duplication of activities between partners. UNHCR also has good working relations with federal and local authorities. Effective coordination arrangements are thus in place to ensure comprehensive reporting on the humanitarian situation. The activities of the Office of the High Commissioner for Human Rights in the Federal Republic of Yugoslavia, in particular in Kosovo, are to be strengthened in the fields of monitoring, training and capacity-building, by increasing the number of Office personnel in the field. The memorandum of understanding between OHCHR and the Government of the Federal Republic of Yugoslavia was concluded on 9 November 1998.

43. It is self-evident that OSCE, with 2,000 Kosovo Verification Mission monitors due to be deployed on the ground, is becoming the lead political organization dealing with the Kosovo crisis. The principal task of the Mission will be to monitor compliance with Security Council resolution 1199 (1998). The Mission will not enforce compliance, nor will it respond to local disturbances, react to hostilities or enforce access by relief organizations.

44. Pending the establishment of the OSCE Kosovo Verification Mission, United Nations agencies, through the UNHCR liaison office with the Kosovo Diplomatic Observer Mission in Pristina, will continue to cooperate with the Kosovo Diplomatic Observer Mission, which is expected in the transitional period to start acting as the Kosovo Verification Mission and eventually to be absorbed by it. Initial consultations by Mr. de Mistura with the head of the Kosovo Verification Mission, William Walker, and with the pre-deployment logistical team for the Mission, as well as with OSCE Secretary-General Giancarlo Aragona and the central planning team of the Mission, reflected a strong desire on the part of both organizations to ensure that there is early agreement on coordination issues, in order to avoid the danger of overlapping or any misconception of the roles of each organization, and to ensure the optimal use of the international community's resources.

45. To this end, it is envisaged that the United Nations role in Kosovo will focus on humanitarian and human rights issues and UNHCR is thus expected to remain the lead agency in the humanitarian field and OHCHR in the field of human rights. In order to facilitate coordination between the Kosovo Verification Mission and UNHCR on the ground, UNHCR has established close liaison with OSCE in Vienna, and with the Kosovo Verification Mission advance party in the field. The Office for the Coordination of Humanitarian Affairs is also expected to establish a presence in Pristina, under the UNHCR umbrella, to assist in coordination efforts and longer-term reconstruction/post-conflict development plans in Kosovo. For its part, OHCHR is planning to open a sub-office in Pristina and, with the Kosovo Verification Mission and UNHCR, will establish an effective system of information sharing on cases of human rights violations in Kosovo. While liaison with NATO is expected to be maintained primarily through the NATO liaison office at United Nations Headquarters, it is anticipated that coordination on the ground will be established in Pristina.

VI. OBSERVATIONS AND RECOMMENDATIONS

46. I welcome the accord reached by the President of the Federal Republic of Yugoslavia and the United States Special Envoy on 13 October 1998 and the agreements of 15 October between the Federal Republic of Yugoslavia and NATO and of 16 October between the Federal Republic of Yugoslavia and the OSCE. I believe the establishment of the Kosovo Verification Mission can contribute to the peaceful settlement of the Kosovo crisis, and I call upon all parties concerned to cooperate with the mission. For its part, the United Nations will continue its humanitarian and human rights activities and will support the efforts of the Kosovo Verification Mission, regional organizations and individual Member States aimed at restoring peace and stability to the region. The complexity and the scope of tasks in Kosovo require coordinated and concerted efforts by all organisations on the ground. All United Nations agencies operating there will establish their lines of communication with the Kosovo Verification Mission to this end. Moreover, the United Nations is prepared to provide assistance to the Mission operation through the United Nations Logistics Base at Brindisi and the United Nations Staff College in Turin.

47. I also welcome the efforts of Christopher Hill of the United States of America, supported by European Union Envoy Wolfgang Petrisch of Austria, in promoting a political dialogue between the Serbian authorities and the representatives of the Albanian community in Kosovo and I call on all parties to cooperate with them in their endeavours.

48. While welcoming reports of the withdrawal of Government forces in Kosovo to agreed levels, I urge all the parties concerned to honour their commitments and to comply fully with the Security Council resolutions. In this regard, reports of the return of Kosovo Albanian paramilitary units to positions vacated by Government forces and particularly by their continued attacks against security forces and civilians are disturbing. This situation makes it all the more urgent that early deployment of Kosovo Verification Mission monitors take place, with a 24-hour presence in order to restore stability and confidence and to enable continuous verification of events on the ground.

49. I am also disturbed by the denial of cooperation on the part of the Government of the Federal Republic of Yugoslavia with the International Tribunal for the Former Yugoslavia. I urge the authorities of the Federal Republic of Yugoslavia to comply with the demands of the international community including, inter alia, paragraph 14 of Security Council resolution 1203 (1998).

50. Despite the beginning of the mass return of internally displaced persons to their homes, the situation on the ground indicates that their needs must be further addressed at the international, regional and local levels. In this connection, the effective and well-established coordinating role played by UNHCR as the lead agency for humanitarian activities in Kosovo should be maintained and reflected in a formal agreement with OSCE. The coordinating role of UNHCR will be further reinforced by the larger involvement of the Office for the Coordination of Humanitarian Affairs in facilitation of coordination efforts and longer-term reconstruction and post-conflict development plans in Kosovo. More

attention will also need to be paid to the humanitarian needs of refugees in Montenegro, as well as to those of the half a million refugees in Serbia.

51. Given the fact that legitimate personal security fears were the overriding obstacle to the return of internally displaced persons, political action to ensure real security to the people is a requisite for any solution to the humanitarian crisis. Such a process would be facilitated if the authorities of the Federal Republic of Yugoslavia were to extend guarantees to all returning civilians so as to avoid the blanket interrogation of male internally displaced persons. The issuance of appropriate amnesty legislation to permit this to happen would be crucial in this regard. Likewise, Kosovo Albanian paramilitary units must stop any armed actions to provoke the Federal Republic of Yugoslavia security forces and must put an immediate end to abductions and other violent activities.

52. The persistent fear expressed about returnees' security highlights the need to actively monitor the activities of and to train local police forces, particularly in the area of human rights. Unless this issue is addressed on an urgent basis, the return process will be seriously undermined by a lack of confidence in the ability or the desire of the local police to protect returnees. If requested and deemed appropriate, the United Nations Civilian Police Unit would be prepared to provide advice in this area. The Office of the High Commissioner for Human Rights will provide existing manuals and other training resources on the subject.

53. The establishment of a United Nations human rights sub-office in Kosovo will allow OHCHR to perform its expanded monitoring and promotional tasks in close cooperation with the Kosovo Verification Mission and UNHCR and other international and national institutions and organizations. Early, effective and coordinated action in cases of human rights abuses will be critical in building confidence for the return of refugees and displaced persons.

54. It is necessary to establish a capability to initiate a comprehensive and integrated mine action plan, including mine awareness, education, information, mine-marking and mine clearance. The United Nations Mine Action Centre will study the possibility of providing assistance in this area.

55. The immediate crisis in Kosovo should not overshadow the necessity to assess the medium-term rehabilitation and reconstruction needs of the Federal Republic of Yugoslavia. As conditions allow, the World Bank, the United Nations Development Programme and bilateral donors should play a major role in this process, particularly in post-conflict projects in Kosovo.

56. With regard to the issue of a first-hand capability to assess the situation on the ground (see sect. V above), it is recalled that subsequent to its request to me, the Security Council endorsed the establishment of the Kosovo Verification Mission by OSCE. Under the 16 October agreement between the Federal Republic of Yugoslavia and OSCE, the Kosovo Verification Mission has been assigned, inter alia, the responsibility of reporting to the Council. In my view, this should subsume the reporting on the situation in Kosovo from a political perspective, a function that the Secretariat has been carrying out with considerable difficulty, for lack of an independent presence on the ground

in the past few months. It is quite obvious that any need that might have existed for such a presence has been superseded by the decision to establish the Kosovo Verification Mission. Taking this into account and having considered the options presented by Mr. de Mistura, I have decided against recommending a United Nations political presence in Kosovo, thus avoiding parallel reporting channels that might lead to confusion and overlapping in the field, as well as unnecessary financial expenditure. I consider it important at this stage, therefore, to develop clear channels of communication between the United Nations and OSCE on this issue. If necessary, short-term missions could be sent to the region to look into specific aspects at the Council's request. Should the future situation require an expanded United Nations presence on the ground, the Council could revert to this issue at a later stage.

57. In its resolution 1203 (1998), the Security Council requested me, in consultation with the parties concerned with the agreements signed in Belgrade on 16 October 1998 between the Federal Republic of Yugoslavia and OSCE, and on 15 October 1998 between the Federal Republic of Yugoslavia and NATO, to report regularly to the Council regarding implementation of that resolution. The agreement between the Federal Republic of Yugoslavia and OSCE, however, indicates that the latter will report directly to the Council. I suggest that OSCE and NATO report to the Council through me (as do the Stabilization Force and the Office of the High Representative), while I would continue to report to the Council on the humanitarian and human rights situation in Kosovo. As to the frequency of these reports, this should be determined in consultation with the Kosovo Verification Mission and NATO. It is my opinion, however, that under the present circumstances and in view of the stability achieved on the ground, quarterly reports would suffice, unless otherwise requested by the Council or necessitated by events in the area.

Annex I

Information on the situation in Kosovo and measures taken by the Organization for Security and Cooperation in Europe, submitted pursuant to paragraphs 13 and 16 of Security Council resolution 1160 (1998)

(September/October 1998)

General situation

1. The period since the previous report of 21 September 1998 has been characterized by relative calm, with sporadic fighting throughout Kosovo and specific operations launched by Yugoslav security forces in several locations. Burning and looting of houses, destruction of property and shelling of villages continued, especially in the Djakovica and Prizren areas.

2. By the end of September, for the first time since the conflict erupted, Serb security forces launched operations not only in central Kosovo and along the border to Albania, but also in an area north of Pristina, between Mitrovica and Podujevo, the so-called Shala region (triangle between Kosovska Mitrovica, Podujevo and Vučitrn), causing the displacement of numerous persons, who moved to Vučitrn and Pristina. This operation was later extended to several villages along the foot of the Čičavica mountain (the edge of the Drenica region).

3. During the second week of October, armed forces of the Federal Republic of Yugoslavia were observed redeploying personnel and equipment away from some of the larger Kosovo towns to locations near the border.

4. Despite announcements by both the Serbian Government and the Kosovo Liberation Army (KLA), declaring their readiness to show "self-restraint" in response to a call from the Security Council last month, cases of fighting, as well as destruction of property, continue to be reported.

Monitoring activities in Kosovo

5. The Kosovo Diplomatic Observer Mission continued its activity in the province, monitoring the situation and compliance with Security Council resolutions 1160 (1998) and 1199 (1998).

6. At the beginning of October, the most noticeable response to international demands was the partial withdrawal of units, in particular those of the Yugoslav army. The security forces behaved in a more discrete fashion, but with still noticeable presence. Observers deemed this presence necessary given the likelihood that KLA, emboldened by the circumstances, could take advantage of the depleted security arrangements.

The situation of the civilian population

7. According to the Office of the United Nations High Commissioner for Refugees (UNHCR), the continued crackdown by the Serbian police and military

against KLA strongholds has forced an estimated 300,000 people to flee their homes. Out of these, 200,000 are displaced within Kosovo and an estimated 50,000 internally displaced persons still remain in the open. Fear is still a major factor inhibiting their return and an additional concern is the destruction of housing, which raises the question of what they can return to.

8. Generally, the conflict has continued to cause more displaced persons and refugees than returnees. In addition, internally displaced Kosovars have experienced increasing difficulties in entering Montenegro from Serbia.

Influx of refugees

9. As at 13 October, UNHCR was reporting a total of 20,500 refugees in Albania, out of which 7,000 remain in the Tropoje district. During the reporting period, the major flow of refugees entering Albania came from Montenegro, as crossing the border with the Federal Republic of Yugoslavia Province of Kosovo became more hazardous for refugees.

10. A critical juncture was reached during the second half of September, when a sudden large influx of more than 4,500 Kosovar refugees expelled from Montenegro were driven by Montenegrin authorities to the border crossing point of Bashkim, in the remote northern valley of Vermosh, from which the refugees tried to make their way to Shkodra. Most of them came from the Decane area, reflecting the ongoing fighting there. The refugees found a much deteriorated security situation, suffering several ambushes, which only added to the very difficult conditions of the roads.

11. At other parts of the border between Albania and the Federal Republic of Yugoslavia, refugees continued to enter Albania, although in smaller numbers than before, since the first snows in mountainous areas created additional difficulties for those trying to cross the border. During the first week of October, limited numbers of refugees continued to enter Albania through the Has district and via Shkodra lake. UNHCR has estimated that some 3,000 remain in the Tropoje district and around 900 in the Kukes/Has district.

Spillover potential of the Kosovo conflict

12. The missions of the Organization for Security and Cooperation in Europe (OSCE) in Tirana, Skopje and Sarajevo were instructed to follow closely the spillover potential of the Kosovo conflict.

13. The refugee situation in Albania during the reporting period became even gloomier following the influx in the north, making it very difficult for the Albanian authorities to handle. UNHCR expressed its readiness to declare a humanitarian state of emergency if the authorities were unable to provide sufficient accommodation.

14. The problem of refugees in Albania acquired much wider political dimensions because it appeared impossible to hold all the refugees in the north-east. Of the perhaps 25,000 refugees that have crossed into Albania, many have moved abroad, and significant numbers have taken refuge in Tirana and Durres. A few of this latter group will be persuaded to move to collective accommodation.

15. Enforcement of law and order in the north-east of Albania remained extremely weak and very much depended on family ties, giving the international community continued cause for concern. The unpredictable security situation, along with deteriorating weather conditions, caused most international agencies to abandon the area.

16. In Shkodra, despite high tension connected to events in Tirana, the situation remained relatively calm during the reporting period, although the local police apparently teamed up with ex-police related to the Democratic Party. In Bajram Curri, ongoing lawlessness resulted in the heavy looting of the UNHCR warehouse, and most humanitarian agencies working in the area decided either to cease activities in the region or severely cut back on their operations.

17. As regards border incidents, by the end of September, a serious clash took place near the Morina border post, as about 30 soldiers of the Federal Republic of Yugoslavia opened fire on Albanian territory after a truck of the Federal Republic of Yugoslavia struck a mine believed to have been laid by KLA. This incident was followed by the shelling of the Albanian village of Padesh from the Federal Republic of Yugoslavia. By mid-October it was reported that units of the Federal Republic of Yugoslavia in the areas bordering Albania were reinforced far beyond normal staffing just before threats of air strikes by the North Atlantic Treaty Organization (NATO).

18. During the first week of October, an increase in KLA activities in the Has and Tropoje districts was observed, with KLA moving openly in some border areas. Internationals observed what appeared to be a training facility in Babine and a KLA logistics base at Papaj. The Padesh plateau and the town of Tropoje, both former strongholds of KLA, are virtually empty of irregular fighters.

19. The political crisis in Albania in mid-September, which deteriorated into a situation of violence, with shooting and looting of official buildings and private property in Tirana, did not help to enhance the already weak State presence in northern Albania and thus the control by Albanian authorities of the border with the Federal Republic of Yugoslavia.

20. Prime Minister Nano received considerable criticism from all political parties concerning a declaration he made in Lisbon in early September, a few days before his resignation, calling for a Kosovo within a democratic Yugoslav Federation.

21. It remains clear that an unresolved Kosovo problem will continue to link Albania to the crisis in the Yugoslav province and that an unstable Albania, used as a base or housing numbers of disenchanted former fighters, will only add to the difficulties of finding a long-term solution. Therefore, initiatives like the Friends of Albania Group serve as stabilization, not only in Albania, but in the region as a whole.

22. In the former Yugoslav Republic of Macedonia, the situation at the northern border remained calm during the first half of October, without substantive incidents and with all border crossings open and functioning normally. There have been no significant incidents; illegal crossings and smuggling have been

less than at any time since independence, attributable in large part to the presence of Yugoslav security forces on the northern side of the border and the increased risks of illegal crossing during the Kosovo crisis. On the western border with Albania there has been no substantive change in the pattern of activity. Periodic incidents continue to occur of attempted illegal entry, sometimes armed, of small groups from Albania. These groups sometimes engage security forces of the former Yugoslav Republic of Macedonia, and are sometimes fired upon.

23. According to UNHCR there are 3,000 people in the former Yugoslav Republic of Macedonia whose presence is directly linked to the conflict in Kosovo.

24. The potential risks of spillover from Kosovo to the former Yugoslav Republic of Macedonia seem to be dividing public opinion along ethnic lines as the ethnic population of the former Yugoslav Republic of Macedonia fears the consequences of military action and an implicit endorsement of such action by many in the ethnic Albanian community. The leader of the principal political party representing the Serb minority, the Democratic Party of Serbs in the former Yugoslav Republic of Macedonia, warned that an attack on Serbia would be interpreted as an attack on Serbs generally. Still, during the parliamentary election campaign, Kosovo was not a major issue, attracting minimal public comment.

25. By the second week of October, an estimated 7,800 refugees from Kosovo had settled in Bosnia and Herzegovina, the great majority of whom have come to the Sarajevo area. The peak rate of this inflow came in mid-September (approximately 800 weekly arrivals) and it has declined rapidly since. Almost all the refugees are Muslim, ethnic Albanians; only a handful of Serb refugees from Kosovo have been reported. Limited preparations have been made to provide refugee camps. Only three are currently operational, and another three are planned. Some 1,000 are sheltered at a Coca Cola plant in the Sarajevo suburb of Hadzici, while the other two camps house around 100 each. The remaining refugees have dispersed throughout Bosnia and Herzegovina finding shelter most often through the hospitality of relatives.

26. Though no specific incidents have been reported, OSCE field staff have noticed a "domino effect" on the general level of reconciliation in those areas experiencing inflows of refugees from Kosovo. In areas already struggling with return issues, the additional presence of refugees from Kosovo has added tension. In those areas, other returnees regard the new arrivals from Kosovo as competitors for precious available accommodations.

Measures taken by the Organization for Security and Cooperation in Europe

27. On 6 October, the Minister for Foreign Affairs of the Republic of Yugoslavia, Zivadin Jovanović, sent a letter to the OSCE Chairman-in-Office, Polish Foreign Minister Bronislav Geremek, inviting OSCE "to witness first-hand the positive evolution of the most crucial processes in Kosovo and Metohija". In a press release issued the following day, the Chairman-in-Office emphasized that the best conditions for accepting this invitation would appear when the Federal Republic of Yugoslavia satisfied the requirements contained in decision No. 218 of the OSCE Permanent Council, as well as Security Council resolutions

1160 (1998) and 1199 (1998). He underlined that it was up to the Federal Republic of Yugoslavia, through full compliance with the terms of the above-mentioned documents, to enable OSCE to make its contribution to the resolution of the crisis over Kosovo.

28. On 15 October 1998, the OSCE Permanent Council, recalling paragraph 1 of its decision No. 218 and the statement of the Chairman-in-Office of 7 October 1998 confirming the long-standing readiness of OSCE to give its contribution to the peaceful solution of the crisis in Kosovo, adopted decision No. 259 supporting the efforts of the Chairman-in-Office to arrange with the authorities of the Federal Republic of Yugoslavia for OSCE to make such contribution.

29. Based on arrangements reached by Richard Holbrooke, United States Special Envoy and representing also the Contact Group, and Yugoslav President Milošević, the OSCE Chairman-in-Office, and the Minister for Foreign Affairs of the Federal Republic of Yugoslavia signed an agreement on the establishment of an OSCE Kosovo Verification Mission in Belgrade on 16 October 1998.

30. The overall task of the Verification Mission will be to verify compliance by all parties in Kosovo with Security Council resolution 1199 (1998) and to report instances of progress and/or non-compliance to the OSCE Permanent Council, the Security Council and other organizations. Further, the Verification Mission will be tasked to supervise elections in Kosovo in order to ensure their openness and fairness.

31. The Verification Mission, unprecedented in size, will be composed of up to 2000 unarmed verifiers and will establish a permanent presence at as many locations throughout Kosovo as it deems necessary to fulfil its responsibilities. The current Kosovo Diplomatic Observer Mission will act in place of the OSCE Verification Mission pending its establishment, and will subsequently be absorbed by the new Mission.

32. During the talks on 16 October in Belgrade, the Minister for Foreign Affairs of the Federal Republic of Yugoslavia made a number of promises to the effect that the Federal Government would do its best to implement the agreement and expressed hope that the Verification Mission would contribute to assessing the situation "in an objective, truthful and unbiased manner". He also made a solemn promise to care for the security of the personnel of the Verification Mission in accordance with the Vienna Conventions. He confirmed that the Verification Mission would have all possibilities of movement and access to desired information on the ground.

33. On the same day, the OSCE Chairman-in-Office met in Pristina with Ibrahim Rugova. The leader of the Albanian community in Kosovo expressed the view that the agreement signed in Belgrade contained many weak points that could cause disappointment in the Albanian community. He also voiced disappointment that no representatives of the Albanian community from Kosovo had been a party to the negotiations.

34. In spite of these critical moments, Mr. Rugova welcomed the agreement and unequivocally expressed the view that the Albanian community in Kosovo would

cooperate with the Verification Mission. He sees this act as an important step towards enlarging the international presence in Kosovo, which should facilitate negotiations for a political solution to the crisis, recognition of the Albanian community institutions, including local police, and deciding over the future of Kosovo.

35. The agreement on the OSCE Kosovo Verification Mission and the agreement on the NATO-Kosovo air verification regime, signed on 15 October in Belgrade, are aimed at supporting international efforts to solve the crisis in Kosovo and constitute an important step towards development of a political framework to ensure compliance with the demands set out in Security Council resolution 1199 (1998). The agreements highlight the verification of compliance with the said resolution, as stipulated in paragraph 16 thereof.

36. Once this important political support is secured, the OSCE Chairman-in-Office would be ready to begin immediately deployment of the Verification Mission on the ground. It has already been decided to dispatch to the Federal Republic of Yugoslavia a small OSCE technical advance mission to start preparation of the operation, the scope of which goes beyond previous OSCE experience. Consequently, the 13-member OSCE technical advance mission arrived on 17 October in Belgrade and started talks with the authorities of the Federal Republic of Yugoslavia regarding the preparations for establishing the OSCE Kosovo Verification Mission. On 18 October, the OSCE technical advance mission arrived in Pristina to assess conditions for deployment of the Verification Mission.

37. Acting as OSCE Chairman-in-Office, Mr. Geremek decided to appoint William Graham Walker as Head of the OSCE Kosovo Verification Mission, effective 17 October 1998. Mr. Walker has recently served as Special Representative of the Secretary-General as Transitional Administrator for the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES), in Croatia.

38. On 17 October, the OSCE Chairman-in-Office sent a letter to the Secretary-General informing him of the signing of the agreement with the authorities of the Federal Republic of Yugoslavia and expressing his hope that the agreements would be acknowledged and supported by the Security Council in an appropriate resolution in order to make these acts effective and to ensure the safety and security of international verifiers.

39. The OSCE Chairman-in-Office and the OSCE Representative of the Freedom of the Media, Helmut Duve, have on several occasions expressed their concern over the treatment of foreign journalists, as well as domestic, independent media, by the authorities of the Federal Republic of Yugoslavia. In a press release issued on 16 October, Mr. Duve called upon the Belgrade Government to stop repression of the media. Reacting to a government decree leading to the closure of Nasa Borba, a leading independent newspaper, the previous day, he noted that "a free media is one of the elements that will ensure the success of the difficult task of bringing peace to Kosovo".

Annex II

Letter dated 27 October 1998 from the Secretary-General of the North Atlantic Treaty Organization addressed to the Secretary-General

Thank you for your letter of 21 October, in which you apprised me of United Nations efforts with regard to the crisis in Kosovo.

Further to my letter of 22 October, I am writing to inform you that the North Atlantic Council today decided to maintain the activation order for the limited air response on the understanding that execution would be subject to a further Council decision and assessments that the Federal Republic of Yugoslavia was not in substantial compliance with Security Council resolution 1199 (1998). The Council also decided to continue the present air activities as part of the phased air campaign.

This decision was reached by the North Atlantic Treaty Organization (NATO) after a thorough assessment by NATO of the level of compliance by the Federal Republic of Yugoslavia with the provisions of Security Council resolution 1199 (1998). NATO aerial surveillance assets and the Kosovo Diplomatic Observer Mission have confirmed that Federal Republic of Yugoslavia and Serb security forces have withdrawn in substantial numbers towards pre-March levels. Also, the necessary conditions are being established for the return of refugees and displaced persons. However, NATO will continue to monitor the situation very closely.

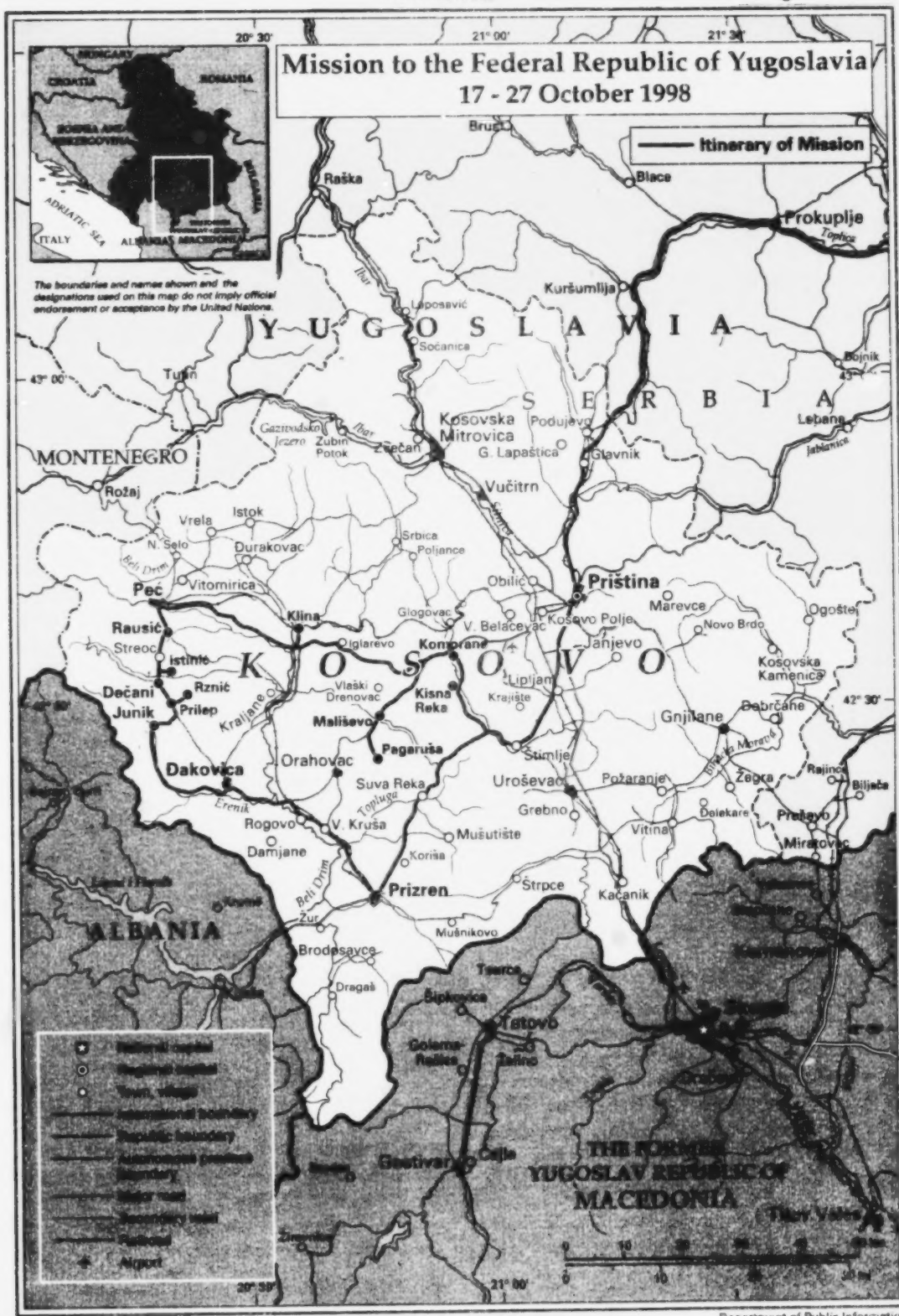
In this context, NATO welcomes the recent adoption of Security Council resolution 1203 (1998), which, inter alia, endorses and supports the verification agreements signed between the Federal Republic of Yugoslavia and NATO and OSCE, respectively. We are continuing our work to ensure close coordination between NATO and OSCE and hope that both missions can be fully operational in the very near future. Our military authorities are developing planning for the possible extraction of OSCE verifiers in an emergency.

Meanwhile, NATO military authorities have begun technical discussions with some nations within the Partnership for Peace about associating the latter with the NATO air surveillance mission.

I will continue to keep you informed of further important developments.

(Signed) Javier SOLANA

ANNEX III



Map No. 4069.1 UNITED NATIONS
October 1998

Department of Public Information
Cartographic Section

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1998/1069
16 November 1998
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 13 NOVEMBER 1998 FROM THE PERMANENT REPRESENTATIVE OF THE SUDAN TO THE UNITED NATIONS ADDRESSED TO THE PRFSIDENT OF THE SECURITY COUNCIL

On instructions from my Government, I have the honour to transmit to you herewith a letter addressed to you by Mr. Mustafa Osman Ismail, Minister for Foreign Affairs of the Sudan.

I should be grateful if you would bring the present letter and its annex to the attention of the members of the Security Council and if you would have them circulated as a Council document.

(Signed) Elfatih Mohamed Ahmed ERWA
Permanent Representative

98-35536 (E) 161198 161198

/...

Annex

Letter dated 12 November 1998 from the Minister for Foreign Affairs of the Sudan addressed to the President of the Security Council

I refer to the letters from the Government of the Sudan dated 21 and 22 August 1998 addressed to the President of the Security Council (S/1998/786 and S/1998/792, respectively) and to the letters of support from the Arab Group (S/1998/791), the African Group (S/1998/802), the Islamic Group (S/1998/790) and the Movement of Non-Aligned Countries (S/1998/804) urging the Council to dispatch a fact-finding mission to investigate the allegations used by the United States Administration as a pretext to violate the provisions of international law and the Charter of the United Nations by attacking the Shifa pharmaceutical plant on 20 August 1998. I also refer to the draft resolution submitted to the Council by the Arab Group in the same connection.

I should like to draw the Council's attention to a lecture given by the United States Under Secretary of State for Political Affairs, Mr. Thomas R. Pickering, at the Middle East Institute in Washington, D.C., on 26 [i.e. 16] October 1998, in which he said:

> "But for political reasons, Sudan continues to argue for an international mission. May I say that there is more than a little cynicism in Sudan's request, now that the rains have begun to wash the soil."

Furthermore, in her statement to the Sixth Committee of the General Assembly on 11 November 1998 during its consideration of the item entitled "Measures to eliminate international terrorism", the representative of the United States said that the plant that had come under attack had not subsequently been protected or isolated, so that an investigation was no longer scientifically possible.

In this connection, I should like to draw the Council's attention to the fact that the United States, which objected from the outset to the Sudan's request, made absolutely no reference, either proximate or remote, at the time it was raising its objections or in the informal deliberations of the Council, to rainfall and its effect on evidence of the plant's involvement in the manufacture of chemical weapons. Instead, its representative was requesting that the opportunity be given for a bilateral solution.

In the light of the statement of the United States Under Secretary of State quoted above and given that we in the Sudanese Government have yet to note any serious desire on the part of the United States to discuss a bilateral solution to this problem, it is evident that the United States strategy for coping with this matter is to procrastinate and to take no action. Thus our right to have the international community do justice by us through the Security Council will supposedly lapse when our indictment is shelved through obsolescence and the international community's attention turns elsewhere or when the United States Administration fabricates fresh pretexts with which to impugn the accusation made, such as the rains mentioned above.

All of this is at variance with the sound position taken by our Government, which has from the outset endeavoured, through political and legal channels and within the framework of international law, to resolve this problem. We submitted a complaint to the Council and requested the dispatch of a fact-finding mission in our letter of 21 August 1998, one day after the attack took place.

The pretext of the rains is one that prompts ridicule and shows a form of contempt for the intelligence of others, particularly since the grounds of the plant are paved with concrete and there is no soil whatever, either to be taken as an alleged sample or to be washed by the rains. This pretext is further evidence from the United States of the weakness of its claim that the results of a soil test confirmed that the plant was producing substances used in the manufacture of chemical weapons. At this juncture, we are entitled to ask whether the alleged test sample had not been exposed to atmospheric and climatic factors.

In the light of the foregoing, the Government of the Sudan, rejecting outright the justifications advanced by the United States, calls upon the Council to perform its duties with regard to the maintenance of international peace and security as set forth in the Charter by expediting the dispatch of a commission of inquiry to the Sudan as stipulated in the draft resolution submitted to the Council by the Arab Group.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Mustafa Osman ISMAIL
Minister for Foreign Affairs of the Sudan